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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

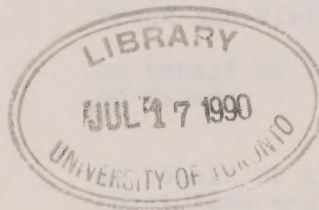
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, MAY 25, 1989

VOLUME 115
51

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VOLUME 35



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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
E. SOJONKY J. DePENCIER	on behalf of the Government of Canada
J. PORTER R. STEINECKE	on behalf of the College of Physicians and Surgeons
T. BARBER	on behalf of the Sport Medicine Council of Canada
R. McMURTRY, Q.C. A. PRATT	on behalf of Charles Francis
E. FUTERMAN L. LIPKUS	on behalf of Ben Johnson
D. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
Ms. G. PINHEIRO	on behalf of A. Issajenko
L. SOSNOWSKI	on behalf of W. Matuszewski
O. SALA	on behalf of David Steen

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I N D E X O F W I T N E S S E S

NAME PAGE NO.

GEORGE M. ASTAPHAN, recalled 8797
Examination by Mr. Armstrong (Cont'd) 8797

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I N D E X O F E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
183	Small bottle of mauvish-colored tablets	8868
184A	Vial containing brownish substance	8871
184B	Certificate of Analyst, dated May 9, 1989	8871
185	Enlargement of package insert of Curablon	8874

-- Upon resuming

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

MR. ARMSTRONG:

Q. Dr. Astaphan, there was one question that I wanted to ask you relating to your evidence yesterday concerning the so-called Estragol and that question is; did the athletes to whom you administered this drug or provided this drug know and understand that it was an anabolic steroid?

A. Yes, they did.

Q. And yesterday you said that you took the time to explain to them what the drug was and I take it, from what you've just said now, that among other things you would have told them that it was an anabolic steroid?

A. Yes.

Q. And did that include Ben Johnson?

A. Yes, sir.

Q. Now, yesterday, in the chronology that we were working through in 1988, we had, I think, gotten to the point where a decision had been made to return to Toronto early after the track meet in Cologne and you, I

believe, came home with the Charlie Francis group to Toronto?

A. Yes, I did.

Q. And we have heard evidence from a
5 number of witnesses that apparently a plan was devised to
put Ben Johnson, Mark McCoy, Desai Williams and Angella
Issajenko on a program of growth hormone, Estragol and the
inosine/vitamin B mixture.

Can you tell us what part you played in that
10 and how that plan was developed, please?

A. Well, the plan was developed at an
informal meeting on the way back and after we arrived
here, I think the second day, there was an informal
meeting at the track in which all the names you mentioned
15 were present.

We decided to put them on a very quick
program consisting of the substances which you mentioned
and they all agreed and understood what it was.

Q. Yes. And could I see Exhibit 124, Mr.
20 Registrar? I'm sorry, Mr. Commissioner, I should have
asked to have this out before now but -- Exhibit 124 is
the Angella Issajenko---

THE COMMISSIONER: I know; the protocol.

MR. ARMSTRONG: ---protocol. Exhibit 124.

25 THE REGISTRAR: This is Exhibit 124.

MR. ARMSTRONG: I'm sorry. I've got the wrong number. It must be 123 then.

THE COMMISSIONER: No.

MR. McMURTRY: 126.

5 MR. ARMSTRONG: 126, sorry.

MR. ARMSTRONG: All right. Do you have your copy?

THE COMMISSIONER: Yes, I have, thank you.

10 MR. ARMSTRONG: Just give it to me in that folder.

MR. ARMSTRONG:

15 Q. I'm just going to put that document in front of you for a moment but before I get to it, this meeting you said that was at the track, that would be the track up at the Metropolitan Track and Field Centre at York University?

A. Yes, sir.

20 Q. And where was the meeting there? Was it just alongside the track somewhere?

A. It was an informal gathering by the track.

Q. Charlie Francis? Was Charlie Francis ---

25 A. By the track.

Q. By the track, and was Charlie Francis there as well as Ben Johnson, Mark McKoy, Desai Williams and Angella Issajenko?

A. Yes, sir.

5 Q. And what was the rationale, if I can put it that way, of putting the athletes on this protocol of inosine, Estragol and growth hormone?

A. The rationale was that they were -- they had just completed a very strenuous trip, including
10 the running parts of it, and they needed a little bit of rehabilitation and rebuilding.

Q. Yes. And the document that I've put in front of you is a handwritten note which Angella Issajenko provided to us and can you confirm, Dr. Astaphan, that
15 that is a handwritten note prepared by you?

A. Yes, sir.

Q. And we've already had it from Ms. Issajenko, but it would be helpful to have it from you, that obviously across the top the letters I refer to inosine, E to Estragol and G to growth hormone?
20

A. That's right.

Q. Now, this was the particular protocol written out for Angella Issajenko and she said she got it from you at the time of that meeting, is that so?

25 A. Yes, that's right.

Q. Now ---

THE COMMISSIONER: I'm sorry, did the program start on the 23rd of August or was that -- was it already in place by that time?

5 THE WITNESS: No, it started on the 23rd.

THE COMMISSIONER: I see, thank you.

MR. ARMSTRONG:

10 Q. And Angella Issajenko, I think, in fact, testified although she thought the meeting was a day or two later, that this was the plan that was developed and she had already started it on her own. I don't know what your recollection is of that and whether anything turns on it or not but she put the meeting at, I think, 15 August the 25th, you having arrived back on the 23rd?

A. I came back with them.

Q. No, but Angella Issajenko was already back because she came home early.

A. I don't know. I don't recall that.

20 Q. All right. In any event, there is no doubt that that is your handwriting and you wrote this document and you gave it to Angella Issajenko?

A. Yes, sir.

25 Q. And did you give us a similar document setting out the drug protocol for Ben Johnson, Mark McKoy

and Desai Williams?

A. Yes, I did.

Q. All right. And was it written out in hand just like this?

5 A. Yes, sir.

Q. And was there a separate sheet for Ben Johnson?

A. Yes.

Q. Was it given to him?

10 A. Yes, it was.

Q. At that meeting?

A. Yes.

Q. Was there -- we've heard from Mark McKoy and Desai Williams that between them, they had one sheet, is that so?

15 A. Yes.

Q. All right. Can you help us, Dr. Astaphan, as to what the protocol was for Johnson? Was it more or less the same with increased dosages for Johnson if we follow the Issajenko protocol?

20 I mean, she's getting a quarter cc of inosine, a quarter cc of Estragol with -- moving up to a half at one point and looks like one and a half cc's of growth hormone moving up, at one point, to two cc's.

25 What is your recollection of what was set

out for Ben Johnson?

A. His would be similar to the one that Desai and Mark got.

Q. Yes. And can you remember ---

5 A. The dosage of the inosine and the dosage would be slightly higher but growth hormone would be around the same dosages.

THE COMMISSIONER: And the same dates, pretty well?

10 THE WITNESS: Yes, sir.

THE COMMISSIONER: Same dates as well.

MR. ARMSTRONG:

15 Q. And when you say the dosage of the Estragol would be slightly higher, we've heard, I think it's fair to say, that the men seemed to take one -- 1 cc shots of the Estragol and other steroids. Is that what was prescribed in that protocol?

20 A. Well, unless I see it, I can't recall what was prescribed and fit in with the clinical ---

Q. It's only last August. Can you not recall that?

A. No.

25 Q. But in any event, it was higher than the quarter cc prescribed ---

A. Yes, it would be at least twice.

Q. ---for Angella?

A. It would be at least twice the dosage.

Q. So, it would be at least half and it
5 may have been as high as 1 cc?

A. Yes.

Q. All right. And when you met with this
group and discussed it, did each of them agree to
participate in the plan?

10 A. Yes, they did.

THE COMMISSIONER: Who was to administer
these dosages? Were you?

THE WITNESS: Beg your pardon?

THE COMMISSIONER: Who was to administer the
15 drugs? These are all injectables, aren't they?

THE WITNESS: Yes.

THE COMMISSIONER: And who was to administer
the drugs?

THE WITNESS: Angella, I think, was going to
20 get her injection from her husband.

THE COMMISSIONER: Right.

THE WITNESS: Ben and Desai were either
going to inject each other or Charlie was going to inject
them.

25 THE COMMISSIONER: All right.

THE WITNESS: And Ben, I was going to inject.

THE COMMISSIONER: I see.

5 MR. ARMSTRONG:

Q. All right. And indeed in the case of Ben Johnson, did you provide the injections to him?

A. Two.

10 Q. So, if it was in the same time frame then it would have been, at least according to this document, the 23rd and the 25th which perhaps couldn't be right because the 23rd, I think in all of the evidence, is the day you actually fly back from Cologne unless, of course, when you got back you gave him a shot. Do you now
15 recall?

A. Recall what?

Q. When the first two shots were to Ben Johnson?

20 A. Well, it would have been between the 25th and the 28th.

Q. All right.

THE COMMISSIONER: And who was to administer the drugs on the other days, Mr. Francis?

THE WITNESS: The drugs to Ben?

25 THE COMMISSIONER: Yes.

THE WITNESS: Yes, he was supposed to go to Charlie.

THE COMMISSIONER: I see.

5 MR. ARMSTRONG:

Q. All right. I take it that the reason that you only did the first two was that you left Toronto within a few days and went back to St. Kitts prior to getting ready to go to Seoul?

10 A. I left on the 28th of August.

Q. Now, did you provide this protocol sheet to Ben Johnson at this meeting at the track or was it -- did you provide it to him at some other time?

15 A. No, I gave it to him when we were leaving the track in his car. He dropped me home.

Q. I see. Now, there's been some evidence that at that time each of the -- well, that certainly Angella Issajenko and McKoy were either, at that time or some other time, provided with bottles of growth hormone?

20 A. No, I think it was at this time.

THE COMMISSIONER: Well, you prescribed growth hormone. Did they have it themselves or did you give it to them?

25 THE WITNESS: They had some but I gave them fresh bottles.

THE COMMISSIONER: I see. To Miss
Issajenko?

THE WITNESS: Yes, to Mark McKoy and to
Desai Williams.

5 THE COMMISSIONER: To share, I think? They
were to share them?

THE WITNESS: Well, that is what I was told
since I've been here. But my recollection is that they
got one bottle each.

10 THE COMMISSIONER: What about Mr. Johnson?

THE WITNESS: He had -- he had growth
hormone left over from the ---

THE COMMISSIONER: And what about Estrogol?

THE WITNESS: If I gave them more?

15 THE COMMISSIONER: Yes?

THE WITNESS: No, they had -- they were
using whatever they had at Charlie's place or Angella's
place.

THE COMMISSIONER: I see, thank you.

20

MR. ARMSTRONG:

Q. All right. Now, on -- I just want to
make sure that I assist you as much as I can in your
recollection. I believe that it was -- it may turn out
25 that my recollection is wrong -- but I believe that

Angella Issajenko said that the meeting at the track that you're referring to simply included, at that time, Charlie Francis, you and Mark McKoy and that the protocol was given to her, the protocol was given to Mark McKoy and that a bottle of growth hormone was given to him for both Desai and him and the bottle of growth hormone was given to her, at that time?

A. That was after the meeting. We went to the parking lot and I think it was behind Mark McKoy's car or Charlie's car where the exchange was made.

Q. All right. But, in any event, it's your clear recollection at this time, I take it, that was Ben Johnson was present at the meeting and give you a lift home or wherever you were going in the car and it was then, on the way down in the car, that you gave him his sheet?

A. Yes, he didn't need to come to the parking lot. I was going home with him.

Q. All right. Now, Angella Issajenko's that's testified that at that time, at York University in the car, she indeed paid you \$1,000 U.S. cash for the growth hormone. Is that in accordance with your recollection?

A. No, it was a thousand Canadian.

Q. A thousand Canadian. All right. And

then was there some understanding that McKoy and Desai Williams would pay you for the growth hormone you gave to them at that time whether it was one or two bottles?

5 A. Yes, it was two bottles and they were supposed to pay me when they returned from St. Kitts.

 Q. All right. And we've heard from certainly Mr. McKoy, to this day he hasn't paid you. Has Desai Williams paid you for the growth hormone?

10

15

20

25

A. No.

Q. All right. Desai Williams is originally from St. Kitts. Did you see him at Christmas time in St. Kitts?

5 A. Yes, sir.

Q. When I say Christmas time, I mean Christmas time of 1988?

A. Yes, I did.

10 Q. Did he have anything to say to you at that time about the \$1,000.00 that he owed you for the growth hormone?

15 A. Yes. He told me he was leaving on the following Monday on BWA flight, I think it is 604 or something like that, and he would pay me at the airport. And I went to the airport before the flight left and he had left in the early morning on a different flight.

Q. All right. The growth hormone that was given to Angella Issajenko at that time and to McKoy and Williams, was that obtained in Toronto?

20 A. No, it was not.

Q. Was it obtained in Canada?

A. No, it was not.

Q. And I take it then that the source of it was from abroad?

25 A. Yes, sir.

Q. Then this protocol looking at it, Exhibit 126 of Angella Issajenko's, it appears to provide six shots of Inosine, six shots of Estragol, six shots of growth hormone. And had you ever before provided these athletes or any other athletes with that much steroid and growth hormone just a few weeks before a track meet?

A. Yes.

Q. When was that?

A. On numerous occasions.

Q. Well, the last time that Angella Issajenko for example would have taken growth hormone would have been in the spring of 1984 on her evidence, and, indeed, I think on your evidence; is that not so?

A. I can't speak for Angella, but they got 14 bottles of growth hormone from me in the spring of '84. It takes a little bit longer than that to use 14 bottles.

Q. Then what about Ben Johnson, had he ever had any growth hormone after the spring of 1984 and up to May of 1988, had he had any growth hormone in that interval?

THE COMMISSIONER: You mean had new vials, or just what? What is the question?

MR. ARMSTRONG:

Q. The question is to his knowledge,

did --

THE COMMISSIONER: Had he supplied.

MR. ARMSTRONG:

5 Q. -- had he supplied Ben Johnson with growth hormone between the spring of 1988 -- spring of 1984 and May of 1988?

A. No, I had never supplied Ben with any growth hormone until 1988, May.

10 Q. All right. In any event, did you not think that with this program you were perhaps getting a bit too much on board, if I can put it that way, in respect of the drugs that you were giving them in August, 1988?

15 A. No, I don't understand what you mean.

Q. Well, I just put it to you that, Dr. Astaphan, it seems like a lot of steroid and a lot of growth hormone and a lot of Inosine to be supplying to these athletes in a 15-day period just prior to the biggest races of their lives. I am putting that to you as
20 a layman. Now, am I mistaken in that observation?

A. Very much so.

Q. Now, had you ever prescribed a diuretic before for any of these athletes?

25 A. Yes.

Q. Who?

A. All of them.

Q. Each of Issajenko, Williams, McKoy, and Johnson?

5 A. Yes, but I think again Mark and Desai shared a prescription.

THE COMMISSIONER: I am sorry, I didn't hear that.

10 MR. ARMSTRONG: Perhaps I am one or two questions ahead of myself.

THE COMMISSIONER: Well, I think you are starting on a premise -- he said before and I --

MR. ARMSTRONG:

15 Q. I meant before August of 1988. In August 1988, it is clear on the evidence, and I assume that you would you confirm it, that you provided a prescription to Angella Issajenko for --

THE COMMISSIONER: Diuretic.

20

MR. ARMSTRONG:

Q. -- diuretics. You provided a prescription to, and I always forget which one, but either Mark McKoy or Desai Williams.

25

THE COMMISSIONER: Mark McKoy.

MR. ARMSTRONG:

Q. Mark McKoy, right?

A. In August, yes.

Q. Yes. What about Ben Johnson, was he
5 given a prescription for diuretics?

A. Yes.

Q. And the diuretic was Moduret?

A. Yes, all Moduret.

Q. Now, prior to you August of 1988, had
10 any of these athletes so far as you are concerned ever
been prescribed a diuretic or had a diuretic supplied to
them by you?

A. They could have. I don't think they
prescribed it, but they could have got diuretics.

15 THE COMMISSIONER: Well, they all testified
the first time they were ever given diuretics by your
prescription was at this period of time in August? They
had never been given diuretics before.

THE WITNESS: They got diuretics.

20 THE COMMISSIONER: We are talking about
your prescription?

THE WITNESS: Well, I don't know if I
prescribed it or not before, but they got diuretics,
whether it was samples from the office or diuretics they
25 had obtained from other people.

MR. ARMSTRONG:

Q. Well, how do you know that if you can't remember whether you prescribed it?

5 A. Because it was a part of a protocol that they all lived.

THE COMMISSIONER: Miss Issajenko has a very detailed diary and she testified the first time she was ever given diuretics was not only here in Toronto, but also you gave more in Japan, is that right, in Toyko on
10 the way to Seoul.

THE WITNESS: I gave her in Japan?

THE COMMISSIONER: They said they got more diuretics from you in Seoul?

15 THE WITNESS: They got diuretics in Narita, not from me, but from Miss Issajenko's supply that she had.

MR. ARMSTRONG:

Q. That's that place outside Toyko?

20 A. Yes.

Q. Where the track meet was?

A. Yes.

Q. On the way to Seoul.

25 THE COMMISSIONER: But you gave a prescription which was to be filled in Canada before they

went towards Japan?

THE WITNESS: No, they were supposed to take the Moduretic or Moduret, as it is called in Canada, here once they were on the cycle. They had all put on a lot of weight in Europe.

THE COMMISSIONER: But you did give a prescription to Issajenko, Mr. Johnson, and Mark McKoy for himself and Williams --

THE WITNESS: Yes, sir.

THE COMMISSIONER: -- while they were in Toronto, because Mr. McKoy went to his cousin's place or something and got it filled in Toronto, so he has testified --

THE WITNESS: No, no, I gave them --

THE COMMISSIONER: -- and they all said, they all testified that was the first time you ever prescribed diuretics.

THE WITNESS: First time I ever gave them prescriptions.

THE COMMISSIONER: Well, did you ever give it to them yourself without a prescription?

THE WITNESS: No, they usually and on occasion they would get samples from me, yes, but the diuretic which Angella had in Narita was a diuretic called Lasix.

THE COMMISSIONER: Lasix?

THE WITNESS: Yes, sir. And she had a bottle of Lasix tablets. And it wasn't from me yet.

THE COMMISSIONER: We are not over there yet, I am sorry, I am taking of off your course.

MR. ARMSTRONG:

Q. Well, Mark McKoy also testified that in Toyko, and I forget the name of this town you mentioned outside Toyko, that you gave him some Moduret or diuretic there. Is that not so?

A. No, I didn't give Mark Moduret, the diuretic. He said he was retaining fluids and I told him to get one of Angella's tablets.

Q. And so this diuretic Moduret that was prescribed, are you saying that it was part of the protocol in August of 1988?

A. Yes, it was.

Q. Why doesn't it appear on Exhibit 126 the --

A. Because it was marked on the prescription.

Q. -- Angella Issajenko profile? Sorry?

A. Because it was marked on the prescription that they got. I mean they are not too

stupid to read the labels on the prescription bottles.

Q. Well, Dr. Astaphan, in this protocol of August '88 of Angella Issajenko, you are setting out what it is to take, when they are to take it, and in what dosages. And then you are going on providing a detailed diet for her.

Why wouldn't you put another column in of Moduret and when they were to take that and how many pills?

A. Because the label on the bottles were marked one-half tablet every morning.

Q. I see. Is it possible that there is another explanation for all of this, that after you developed the protocol and had the meeting, you may have had some second thoughts which led you to conclude may be I better give these people some diuretics so we get that steroid out of the system fast. I suggest maybe that's a possible explanation?

A. Not to me.

Q. In any event --

THE COMMISSIONER: Wouldn't a diuretic have that effect, though? It would increase the excretion of the fluids in the body, would it not?

THE WITNESS: Yes, but it won't -- it is a misconception that diuretics increase the excretion of

anabolic steroids.

THE COMMISSIONER: Well, it doesn't keep it inside, it increases the excretion of fluids, doesn't it? You are the doctor.

5 THE WITNESS: Yes, it increases the excretion of fluids, extracellular fluids, but it doesn't -- it really doesn't have that -- that great of an effect as people think on the steroid deposits in the body.

10 THE COMMISSIONER: Some people think it does, though?

THE WITNESS: Some people think it does; some people think a lot of things, Mr. Dubin.

THE COMMISSIONER: All right.

15 MR. ARMSTRONG:

Q. Well, the only reason for prescribing the diuretic and including it in this protocol prior to the Olympics was to speed up the excretion of the steroid from the system; isn't that so?

20

A. No.

Q. Well, I don't understand. What was the purpose for it in that case?

A. I already told you that they had retained a tremendous amount of fluid in Europe,

25

particularly Angella and Ben.

Q. Mark McKoy, when he testified, was asked whether he knew the reason for taking a diuretic by an athlete was in order to speed up the excretion from the system of a steroid or other drug in order to clear his system prior to the drug test. And his response was that that was correct.

Now, would Mark McKoy have got that impression from you, do you think?

A. Not from me.

Excuse me, Mr. Dubin, could I just say something. I don't think that most people understand this whole steroid business.

THE COMMISSIONER: Well, we are learning.

THE WITNESS: Yes, well --

THE COMMISSIONER: Slowly, but we are learning.

THE WITNESS: You see there are numerous methods for blocking steroids in the urine. It is a little bit dangerous to give them diuretics close to a meet, because what the diuretics do is that they increase, you know, that close to a meet. And it is not an immediate thing, but what happens is that for days after they will spill. And, you know, I didn't need diuretics to block them.

THE COMMISSIONER: I see. There are a lot
of other --

5 THE WITNESS: There are seven agents that
are commonly used and prescribed in Canada that can block
it if I gave it to to them this morning and they ran this
afternoon. So, that diuretic business is --

THE COMMISSIONER: Probenecid is one of
them?

10 THE WITNESS: That's banned. The other
seven are not banned.

THE COMMISSIONER: I see, thank you.

MR. ARMSTRONG:

15 Q. Now, another thing that was done in
August of 1988 after this meeting and this protocol was
given to these athletes was they were sent down to the
offices of Dr. Fenn where they received diapulse
treatment; is that not so?

A. Yes.

20 Q. And presumably they were sent down
there first of all because you were going back to St.
Kitts; is that why or what was the reason?

A. They were sent down there for diapulse
treatment.

25 Q. I see.

A. And to have blood tests taken.

Q. Now, had any of these athletes to your knowledge ever received diapulse treatments before?

A. Yes, they all had.

5 Q. They all had?

A. Sure. I had diapulse in my office. And as a matter of fact, I loaned Charlie my diapulse machine for months. He had it in his apartment where he treated them.

10 Q. What does the diapulse machine do?

A. It is modality used in the treatment of injuries. It is a physiotherapy machine.

MR. FUTERMAN: I am sorry, sir, I didn't hear the answer.

15 THE COMMISSIONER: It is an modality used for the treatment of injuries. Where do you apply it, to the injured areas?

20 THE WITNESS: Yes, you can apply it -- it usually is applied directly to the injured area. Or if people are having any -- one principle which is used by is they do it over the abdomen. It is used over the abdomen for people who are in lathargic or fatigued states, the principle being that it assumedly or presumably increases --

25 THE COMMISSIONER: For fatigue is it, you

say?

THE WITNESS: Yes, sir. It increases some form of the chemical process.

THE COMMISSIONER: I think I should get a prescription for that.

THE WITNESS: You don't need one, you can get it in Toronto without a prescription.

MR. ARMSTRONG:

Q. Well, the way this diapulse machine operates in terms of treating injuries is it increases the blood flow through the injury site, is that right? And speeds up the healing process?

A. That's one theory.

Q. What are the other theories?

A. There are a lot of theories, Mr. Armstrong. There are a lot of theories.

Q. All right. Well, also another theory about this diapulse machine is that if it is applied to the stomach area and to the area where one's liver is, it will increase the blood flow through the liver and thereby speed up the excretion of the steroid as it works its way through the liver; is that not so?

A. Well, I suppose it could if that's one theory that you are going to use, yes.

Q. Isn't that the reason that Johnson, and
Issajenko, and Williams, and McKoy in late August of '88
were sent down to Dr. Fenn's office to get the diapulse
treatment again another precaution to get rid of the
steroid as quickly as possible after it had done its work?

A. No.

Q. Well, were they all injured?

A. Sure. Have you ever seen a top-notch
athlete who wasn't injured at some time. They always have
minor injuries.

THE COMMISSIONER: In their stomach?

THE WITNESS: No, not in the stomach. The
only person who ever complained of pains in the stomach
was Angella.

MR. ARMSTRONG:

Q. Well, Mark McKoy, who apparently was
one of the group who indeed had a good European trip, he
said that the machine was applied to his stomach?

A. Uh-huh.

Q. And the only reason for that must have
been that it was to aid the excretion of the steroid from
the system?

A. Are you telling me or are you asking me?

Q. Well, I'm suggesting it to you?

A. Well then, I'm telling you know. Mr. Dubin, can I say something again?

THE COMMISSIONER: Well, just a moment. You're answering the questions nicely. We will never get through if you're -- I understand. None of us here understand anything about diapulse machines or what they're for.

THE WITNESS: No, no, it's not the machine. I just wanted to make a very brief statement.

THE COMMISSIONER: Right.

THE WITNESS: Mr. Armstrong, I know sufficient about anabolic steroids and the way to beat any test that I don't need to a machine to help me. I can do it quite legally any way by using prescribed drugs in Canada without prescribing diuretics or diapulse treatments.

THE COMMISSIONER: What are these methods then? What are the drugs that are ---

THE WITNESS: There are a lot of drugs that I will tell you. They're lots of them, Mr. Commissioner.

THE COMMISSIONER: Probenecid is one but you say that's banned?

THE WITNESS: Yes, that's banned. That's banned. And there are numerous anabolic steroids that are completely undetectable by the IOC, so if we wanted to do it that way.

5 THE COMMISSIONER: You would give a different steroid, you mean? You wouldn't use these?

THE WITNESS: Or you can can give them steroids in the morning that they can't test.

10 THE COMMISSIONER: But not stanozolol, for example?

THE WITNESS: Oh, I don't think you can do stanozolol and not get it tested.

THE COMMISSIONER: Or Dianabol?

15 THE WITNESS: Dianabol, the breakdown products are testable apparently up to 27 or 30 days after.

THE COMMISSIONER: Dianabol, yes. Stanazolol, we heard 28 days.

20 THE WITNESS: I don't know. I think it's 28 days and I think there's reports of it being picked up 37 days after.

THE COMMISSIONER: Stanozolol?

THE WITNESS: I think so. Oral stanazolol.

THE COMMISSIONER: Pardon?

25 THE WITNESS: The oral form.

THE COMMISSIONER: And injectable?

THE WITNESS: the injectable would probably
be in the mid 30's, low to mid 30's.

THE COMMISSIONER: 30 days?

5 THE WITNESS: I would think so, yes.

THE COMMISSIONER: All right. Go ahead, Mr.
Armstrong?

MR. ARMSTRONG:

10 Q. Well, I can't help but ask you, if
there are all these steroids around that you can give that
are completely undetectable, why would you have given Ben
Johnson a drug like Estragol that might well be
detectable? I assume it is, Estragol is detectable?

15 A. Estragol is detectable if it was on the
banned list and if the computer was programmed to pick it
up and it wasn't.

Q. Well, Estragol certainly is on the
banned list because it's --

20 A. It is now.

Q. Sorry?

A. It is since they found out about it.

25 Q. Well, no, Dr. Astaphan. You know what
the banned list says. It provides a specific list of
steroids and then it says, "And related compounds."

And most assuredly, you've told me that Estragol is a steroid and simply because it's not on a specific list, it falls within the rubric of related compounds, surely?

5 A. Yes, but so do all the other undetectable steroids, don't you think so?

 Q. I agree. But just, as a matter of curiosity, I guess -- maybe we wouldn't be here if there were one of these undetectable steroids that you gave Ben
10 Johnson?

 A. The reason for it is that the Estragol or Furazabol or Myotolon, or whatever you might want to call it, had worked very well for them as the results are obvious. And to quote Yogi Berra, "If it ain't broke,
15 don't fix it."

 Q. What are the -- what are these steroids that are, in fact, undetectable and are not on the IOC banned list or are you going to tell me that's a trade secret?

20 A. Nothing is a trade secret. You can read it. I showed you the journals addendum on Sunday. Don't you remember, on Monday, when we were here?

 Q. Well, I saw you had some journals, but forgive me, I had a few other things to do after we met so
25 I ---

THE COMMISSIONER: We can pursue that later,
I think.

MR. ARMSTRONG:

5

Q. Yes.

A. Well, just to wet your curiosity a
little bit, the dihydrotestosterone derivatives are
totally undetectable.

10

Q. And then this August program then of
inosine, Estragol, growth hormone, moduret, the diapulse
treatment, I take it that the thrust of your evidence is
that this was not an unusual protocol for this group of
athletes simply prior to two weeks prior -- or a month
prior to the Olympics?

15

A. I never treated them a month prior to
the Olympics before.

Q. Well, prior to a major meet?

20

THE COMMISSIONER: Was there some
discussion -- I think we heard earlier whether -- I think
the word was could you fit this program in? Was there
not -- there was some concern, I guess, was there?

THE WITNESS: Oh, no, none at all.

25

THE COMMISSIONER: Well, somebody said in
the discussion can we fit a steroid program in to this
rather short period of time?

THE WITNESS: Well, the discussion -- the main part of the discussion was when to start and when to stop; not if we can fit it in.

THE COMMISSIONER: All right. Go ahead, Mr.
5 Armstrong.

MR. ARMSTRONG:

Q. Well, let me just put this to you; I consider it my obligation to do so. Are you sure that
10 this pre-Olympic program does not represent, Dr. Astaphan, pressing the panic button in the wake of a disappointing European tour for Ben Johnson and Angella Issajenko?

A. No. As I told you yesterday, it wasn't a disappointing tour as far as I was concerned. Ben came
15 out of the races uninjured.

Q. All right. Then let's move along. We've already touched on the fact you went to Tokyo. Was there some involvement in Tokyo with something called Honeygar or honey and vinegar and can you tell us about
20 that, please?

A. Yes, that's a mixture that Ben had been drinking when he was in St. Kitts in '87, I think, and it's a mixture -- it's supposed to be a stimulating mixture. It's made in England called Honeygar. It's half
25 vinegar and half honey and it's (a) the honey as in the

bee pollen is supposed to be a little bit of a sexual stimulant and it's also a very quick energy affording mixture.

5 Q. And, I'm sorry, I've lost the thread of your answer but did you provide this to some of the athletes in Tokyo?

A. Oh, sure. I brought six bottles. Ben was drinking it all the time and others wanted it. I also brought three gallons of sarsparilla.

10 Q. And the sarsparilla, apart from its other widely advertized attributes, is it also an energy type drink for the athletes?

A. Yes. With the basis that it has sito-besterol which is a vegetable form of testosterone.

15 Q. Now, the -- there apparently was a bottle of honey and vinegar or Honeygar given to Mark McKoy in Tokyo, is that so?

A. By whom?

Q. By you?

20 A. No.

Q. No.

THE COMMISSIONER: Well, aren't you ahead the story yet though, Mr. Armstrong? Are we at the Olympics yet?

25 MR. ARMSTRONG: No. He gave it to him in

Tokyo and I'll just ---

THE COMMISSIONER: I thought it was to be used after the race.

MR. ARMSTRONG: No, this was his evidence,
5 reading from volume 41.

MR. ARMSTRONG:

Q. Then I'm just -- if you would listen to this, Dr. Astaphan, this is his being asked questions by
10 me:

"Q. Then when you were in Tokyo, just prior to going to Seoul or the training camp and indeed a track meet in Tokyo, did Dr. Astaphan give you any diuretics..."

15 Sorry, that's the diuretic and -- I apologize. Where is it? Oh, yes, sorry.

The next page, 7181:

"Q. All right. Now, also when you in Tokyo did Dr. Astaphan give you a bottle of
20 vinegar and honey?

A. Yes, he did. And he says -- I believe he had a few bottles and he said they were too heavy so could I carry one to Seoul for him."

25 I don't think anything turns on it but I was

just trying to refresh your memory. Does that assist you as to whether or not you may have given him a bottle of honey and vinegar in ---

A. No.

5 Q. Okay. What about -- let's move on to Seoul then. Was there an involvement in a bottle of honey and vinegar between you and McKoy for the use of Desai Williams and Ben Johnson prior to the 100 metres final?

A. I didn't understand?

10 THE COMMISSIONER: Well, Mr. McKoy testified that, that the day of the finals that you gave him this bottle of honey and vinegar and he was to give it to Desai Williams and Ben Johnson was to drink it immediately after the race. This is what the evidence was of Mr. McKoy and
15 Mr. Williams too, as a matter of fact, I think, but Mr. McKoy said that he got it from you and the instructions were to give it to Desai and to Mr. Johnson. His evidence was he gave it then to Desai to give to Johnson but he was supposed to take it immediately after the race. I think
20 I've quoted his evidence accurately?

MR. ARMSTRONG:

Q. Just about word-for-word. So, do you understand that?

25 A. Oh, yes.

Q. And did you give a bottle of honey and vinegar in Seoul to McKoy with instructions to give it to Desai for his use and Ben Johnson's use after the 100 metres final?

5 A. No.

Q. All right. And McKoy went on to say that he understood that the purpose of being provided with honey and vinegar to an athlete would be to use it as a masking agent for a doping test and is it possible, Dr.
10 Astaphan, that bottle of honey and vinegar was given to Williams and Johnson for just that purpose in Seoul?

A. No.

Q. To your knowledge, did either McKoy, Ben Johnson or Desai Williams end up with a bottle of
15 honey and vinegar on the day of the 100 metres final in Seoul?

A. Ben took the Honeygar in his plastic bottle every day to the track and drank it before and after he trained. Honey and vinegar don't block anything.

20 Q. And I take it he must have had it with him then when he went to the track on the morning of September the 24th?

A. I assume so. He started out with one bottle and ended one four. So, I assume that one of those
25 bottles had the honey and vinegar.

Q. And your evidence then, as we have it, is it was simply for energy purposes not for masking purpose?

A. Absolutely.

Q. All right. Then ---

THE COMMISSIONER: So, why take it after the race then?

THE WITNESS: Because they took all these things -- it's like Gatorade. Why do you drink Gatorade after you run a race or play football? Because you feel pooped out. It was just for energy. He took it after he was training and they didn't test him after he was training.

MR. ARMSTRONG:

Q. All right. Then in Seoul we have heard that initially you were in an area called Family Town, or something like that, with Ben Johnson and then your group moved out. That is, your group including Larry Heidebrecht and his wife, you and your wife and Ben Johnson and his mother and sister moved out to the Hilton Hotel, is that so?

A. Well, Larry, Ben and myself and Larry's wife, I think was there.

Q. All right. In any event, at the few

days prior to the 100 metres final and certainly in the hectic days after it, you were located in the Hilton Hotel in Seoul in a room close by Ben Johnson's, is that so?

A. About seven rooms away, yes.

5

Q. Now, from whom and when did you learn of a possible positive test for Ben Johnson?

A. From Charlie Francis at, I think, about 7 o'clock -- around 7 o'clock in the morning on the Monday.

10

Q. And that must have been in a telephone call?

A. Yes, sir.

Q. And would you just tell us about that telephone call, please, what Mr. Francis said and what you said?

15

A. The phone rang and I answered it and it was Charlie. And he says, we have a problem. I said, what is that? He said Ben had a positive test and I said Charlie -- excuse the expression -- I said, F-off and hung up the phone.

20

THE COMMISSIONER: In other words, don't bother me?

THE WITNESS: I thought Charlie was just up to some hijinx.

25

MR. ARMSTRONG:

Q. Yes? And you didn't find it an amusing hijinx at that hour of the morning or any hour, I presume?

A. I don't find that amusing any time.

Q. Right. Okay. And then what happened?

A. Then I went into the bathroom because I had a case of the Korean jig and he phoned back. And my wife said, Charlie, he's in a bathroom and he told her it was important, to call me when I came back. He said, it wasn't kidding. That -- I think Carol Anne...

THE COMMISSIONER: Letheren.

THE WITNESS: Letheren, that's her name, had phoned him and told him that somebody notified her that day Ben had a positive test. I told him that's impossible.

MR. ARMSTRONG: All right.

THE COMMISSIONER: You didn't know the name of the steroid at that time, I don't think.

THE WITNESS: No, but I assumed that when he said positive, it would be a steroid.

THE COMMISSIONER: Yes, but not the name of the steroid?

THE WITNESS: No. And then I went into Ben's room. He was in -- I think he was shaving at that time and if I'm not -- Mark McKoy had spent the night with

him. Mark said, you look worried, what is it? I said, we seem to have a problem here. Ben -- Charlie just phoned me and said that Ben's test was positive.

5 And Mark initially sort of threw it off the same way as if it was a little bit of a tease. I said, no it's not. You better tell Ben to come out of the bathroom and he did.

10 I said -- I told him, Ben -- Charlie just spoke to me. You tested positive and there is no reason why you should test positive but they want you to come to the track and Charlie and -- I forget the gentleman's name. Something Lyons, Dave Lyons, I think, would take him to the IOC lab for retesting. And I assumed from Ben's expression that he -- like I did and like Mark did,
15 he didn't pay -- really take it too seriously.

Q. Well, you must have taken it seriously in that ---

A. Well, I took it seriously.

20 Q. ---here was a laboratory finding at the Olympic Games, that he had tested positive for some banned substance. I mean, by this time you knew it wasn't a joke?

25 A. Well, I knew it wasn't a joke and it was something real serious because there is no way he should have or could have tested positive on what he was

on. I called Larry and I told Larry and he sort of panicked. And then Ben and Mark left to go to the track to train because I think Mark had his 100 metres hurdle finals in that day.

5 Q. Now, going back to when you first got Ben Johnson aside and told him the news that he had tested positive, did you ask him if he had, himself, taken anything that you were not aware of?

10 A. Yes, I asked him three times and he said no on all three occasions.

THE COMMISSIONER: I'm sorry, three occasions at the ---

THE WITNESS: In the morning, yes.

15 THE COMMISSIONER: The same meeting you're talking about.

THE WITNESS: Yes.

THE COMMISSIONER: All right, thank you.

MR. ARMSTRONG: All right.

THE COMMISSIONER: What did you ask him?

20 THE WITNESS: Pardon?

THE COMMISSIONER: What did you ask him?

THE WITNESS: If he had taken anything from anybody else and he said he hadn't.

25 MR. ARMSTRONG:

Q. Now, you said a few minutes ago that when Charlie Francis called you back the second time and you returned his call and he told you that he wasn't kidding, it was no joke, that there was an indication of a positive test, you then realized it wasn't a joke and you said, I assumed it would be a steroid and obviously that assumption that you made must have been based on the fact that this group had been, including Ben Johnson, on a steroid protocol just three weeks before?

A. No. I didn't make that assumption based on that at all.

Q. What other basis would you make the assumption on?

A. What else they would test him on? Caffeine? He didn't drink coffee. Sudafed? He neither pretended to be asthmatic or said that he had taken ginseng.

If you're testing those things for any of those other minor things, as they call it, they don't phone and tell the Commission -- the association, oh, this one tested positive, this one. They do what they did with guys Memford Christie. Call them in and say, oh, you had Sudafed in your system. What's your explanation? Oh, I took three ginseng tablets.

But when they call the Canadian Olympic

committee in the morning and tell them Ben tested positive, you know that is positive.

Q. Is moduret a banned substance?

A. No.

5 Q. It isn't?

A. No, moduret wouldn't be in his system three weeks after, either.

Q. All right. And in any event, it was your immediate assumption at that time that although you weren't given the drug stanozolol, that it would turn out to be as it did, a steroid?

10 A. Yes. As I said before, if it was not something like that, then they would have gone about it the way they went about it with the English and the Americans.

15 Q. What do you mean by that?

A. Well, they called them and said, oh, one of you guys has a little bit of a positive test and what was it? Sudafed or he took ginseng or this one had a positive. What was it? It was this. Oh, she's asthmatic. I tell you, you've never seen so many asthmatics as in tested meets, you know.

20 Q. All right. In any event, you obviously didn't get one of those telephone calls. You've told us then that McKoy had his hurdles race that day and, indeed,

I think he had both his semi-final and his finals hurdle race and Ben Johnson went off to the track with McKoy, did he?

A. Yes.

5 Q. And what was it you did? What did you do then?

A. Well, we told them we'd meet them outside the training track because Larry and myself had no access to anywhere but the main track at about ten
10 o'clock. We got there early, went by the training track and didn't see them.

And we spoke to Waldemar and he said he had seen them earlier on but that Ben and Charlie and Dave -- Ben, Charlie and Dave Lyons, that's the gentleman's name,
15 had left just before we got there and hadn't come back.

So, we went and looked at a couple of races, went back at 11 o'clock, no Ben, no Charlie, no Dave Lyons. We asked Diane.....

THE COMMISSIONER: Clement, Diane Clement.

20 THE WITNESS: Yes. If she had seen them and she said no, she hadn't seen them since Dave took them and I think they went to the testing room office, some committee room.

And, just before Mark's final race, we went
25 to the track, Waldemar was packing up his stuff to leave

and we said, Waldemar, have you seen Ben since we spoke to you last? He said, no. I told you, I haven't seen him since he left here this morning with Charlie. And then

5

MR. ARMSTRONG:

Q. Can I just interrupt you there? About what time?

10

A. This was before Mark's race. I think it was pretty close to noon.

Q. And?

15

A. And Waldemar made the statement to us that, oh, I guess he's been gone for a long time. He must have tested positive. Larry looked at me in a very amazed fashion and I looked back to Larry and we walked off and went to look at the race, at Mark's race and Larry said something is funny because I thought we were the only persons who knew.

20

I said, well, Charlie might have told Waldemar and he said, no, Charlie told him he hadn't told anybody. We looked at the race. Mark didn't do as well as he thought he would do. I suppose what he knew in the morning had upset him a little bit. And then we ---

25

Q. No doubt, I take it, Dr. Astaphan, that you told Mark McKoy that morning that Ben Johnson had a

problem?

THE COMMISSIONER: Well, Mark McKoy was in the room.

THE WITNESS: Mark was in the room. He
5 slept with Ben.

THE COMMISSIONER: He was in the room with Mr. Johnson.

MR. ARMSTRONG:

10 Q. No, I know. I just wanted to make that clear because Mark McKoy has testified that he didn't know that morning that ---

A. Mark knew because when I walked into Ben's room, Mark asked me what was wrong when he saw the
15 expression on my face and I told him.

Q. All right. Sorry to interrupt you. You were in the chronology that you watched McKoy's race and he didn't do as well as expected?

A. Right. And we sat in just past the finish line and we were with -- Larry's wife was there, my
20 wife, Ben's mom, Ben's sister and Mauricio, the sales manager for Diadora.

Q. Yes?

A. And he didn't no anything, nobody had
25 told him, and everything was being kept quiet until we got

the results of the second test.

THE COMMISSIONER: Well, weren't you asked to supply the list of medication?

THE WITNESS: They were given the list since
5 the first test.

THE COMMISSIONER: Before the first test, that's right, thank you.

MR. ARMSTRONG: That might be a good point to deal with that. Exhibit 174, I think I may even have
10 the right number this time.

THE COMMISSIONER: Yes, before the first test you supplied the medication that he was to fill in on that form?

THE WITNESS: Yes, yes.

THE COMMISSIONER: And we have the form
15 here.

MR. ARMSTRONG: I'm hoping it's Exhibit 174.

THE COMMISSIONER: You didn't do well last
time.

MR. ARMSTRONG: No. Thank you. Do you have
20 your copy, sir?

MR. ARMSTRONG:

Q. Then Exhibit 174, Dr. Astaphan, this is
25 the list that the Commissioner has just referred to and I

take it you prepared this list and signed it? It's a photocopy but you would have done the original?

A. That's right, yes.

Q. All right. And when was that prepared?

5

A. That was prepared when they -- the day of his final, when he would have to go and get tested.

Q. Sorry, I didn't catch. It was prepared -- I didn't catch what you said?

A. On the Saturday.

10

THE COMMISSIONER: After the final, when he has to be tested, isn't that what you said?

THE WITNESS: It was prepared on the Saturday for him to take with him. You have to take a list with you of what medications you are on.

15

MR. ARMSTRONG:

Q. Oh, I had always thought and understood that this list was prepared on Monday morning at the request of Dr. Stanish?

20

A. No.

THE COMMISSIONER: I thought this was -- have you got the form of the -- have you got the form for the -- actually, Mr. Johnson's doping control form?

MR. ARMSTRONG: Yes, we can get that.

25

THE COMMISSIONER: Our understanding was

that before they went back for the second test, for the B sample, that ---

THE WITNESS: We had to fill out ---

THE COMMISSIONER: Dr. Stanish wanted to
5 know again, I think directly from you, what drugs Mr. Johnson was on and this is....

THE WITNESS: I don't think so.

THE COMMISSIONER: This was written in the hotel, Seoul Hilton Hotel? I think there is a date here.
10 26th of September, I think it says.

MR. ARMSTRONG: Yes, and it says -- that note at the top right-hand ---

THE COMMISSIONER: Is this your handwriting, by the way?

15 THE WITNESS: Yes, it is my handwriting.

THE COMMISSIONER: If you look at the top right-hand corner, it says 26th of September.

MR. ARMSTRONG: It says received 26th of September, 11:00 a.m.

20 THE COMMISSIONER: And it's addressed to Dr. Stanish.

THE WITNESS: There was a form we filled out, just like this, for him to take on Saturday, too.

25 MR. ARMSTRONG:

Q. We'll get that form in a moment. But unfortunately, the exhibit stamp has obliterated this note. But Dr. Stanish has written in here, "Received 26th of September, 11:00 a.m."

5 And the evidence is, Dr. Stanish -- or Dr. Astaphan, that Charlie Francis phoned you at Dr. Stanish's request at about 8:00 or 8:30 on the morning of the 26th, handed the phone to Dr. Stanish and Dr. Stanish had a conversation with you about what medications Ben Johnson
10 had been on and he requested you or you offered, I don't know exactly what the evidence is, to provide a list and this list was sent over to Dr. Stanish and indeed it's dated the 26th, it's received at 11:00 a.m. by Stanish and it's addressed to him.

15 So, that must have been a list prepared by you as a result of a direct request made by Dr. Stanish?

A. Yes. Yes.

Q. Right?

A. Yes, you're right. No, I mistook it
20 for the one we did on Saturday. We had to do one on Saturday.

THE COMMISSIONER: Dr. Stanish wasn't involved on the 24th.

THE WITNESS: No, actually I never met or
25 spoke to Dr. Stanish until ---

THE COMMISSIONER: The 26th.

THE WITNESS: The Monday night.

THE COMMISSIONER: That's right.

5

MR. ARMSTRONG:

Q. All right. And perhaps we can --
without reading every line of this, you say;

10

"Dr. Stanish, re medications used for
Benjamin Johnson," and then you refer to the Depo-medral
on the 13th of the September and what's that other drug?

A. Dexamethasone, Decadron.

Q. Those are both in respect of his
plantarus strain, the aggravational hamstring and the left
achilles tendonitis/bursitis, correct?

15

A. That's right, yes..

Q. And then the 20th of September, there
is more Depo-medral for, presumably, the same problems?

A. Yes, that was injected into the bursa.

20

Q. And then you've listed Hard Core
Training Pack. What's the next word in parenthesis?

A. Insert and sample enclosed.

Q. And that Hard Core Training Pack,
that's a package of vitamins that Ben Johnson took from
time to time, is that so?

25

A. Yes, it's a complete supplement that

they take. It has sterols, vitamins, amino-acids, minerals.

Q. In comes in a big plastic bag. In fact, I think we have one marked as an exhibit. It looks
5 like a Christmas stocking, almost, of goodies.

Then what's this second drug, Ginsana?

A. Ginsana caplets.

Q. what was that for?

A. That's Ginseng.

10 Q. I see. And Cambison Cream?

A. Yes. That was an antibiotic cream he picked up in the pharmacy downstairs for his acne.

Q. And the next one, what is that?

A. Indocid, Indo-medicine capsules.

15 Q. What was that for?

A. That was for the aggravation of his -- the bursitis in his left heel.

Q. And then the next drug, what is it?

A. Maltonic.

20 Q. And what was that for?

A. That is a mixture of a hemaglobin substitute and malt extract.

Q. And then the next one is what, vitamin --

25 A. Vita-Bec.

Q. Vita-Bec?

A. Yes. That's a B complex vitamin.

Q. And the sarsaparilla drink, enclosed sample. And finally what is that?

5 A. Dolobene.

Q. And that again is in relation to his achilles and plantarus tendons?

A. Yes, that's a topical anti-inflammatory rub.

10 Q. And then your PS says, "In May, June, '88 after initially sustaining injury to left hamstring which put on -- you gave me the name of that drug yesterday. What is that?

A. Scantapyrin P.

15

20

25

Q. And Butazolidin and?

A. Prednisone.

Q. For a three-week decreasing dosage protocol?

5 A. Right.

Q. I guess for obvious reasons you did not mention the drug protocol of August of just a few weeks before?

A. Yes, for very obvious reasons.

10 Q. Then you, as you have told us, went about your day by going over to the track. You ran in to Waldemar Matuszewski, had the discussion with him that you did, and Larry Heidebrecht.

15 I take it eventually you found your way back to the Hilton Hotel in the knowledge that at some point in time you were going to hear the results of the B sample testing?

A. Yes.

20 Q. All right. And we have heard that you were present in Ben Johnson's room when Dr. Stanish and Mrs. Letheren arrived in the early hours of September the 27th, that Tuesday morning, and advised Ben Johnson that he had tested positive for Stanozolol.

25 Can you just, Dr. Astaphan, give us your recollection of what occurred in the room at that time?

A. To make one correction, they didn't tell him that he had tested positive for Stanazolol.

Q. I see.

A. He was told that I think after his
5 second sample. We found that out that at about 7 or 8 o'clock at night.

THE COMMISSIONER: That's right, it was after the second sample.

MR. ARMSTRONG: Yes.

10 THE WITNESS: They told him they had come to take his medal.

MR. ARMSTRONG:

Q. Indeed, he was told as early as about
15 11:30 in the morning, it doesn't matter --

A. I don't know.

Q. He was present at the lab when it was ultimately revealed that the A sample was Stanazolol.
Okay. So, you knew Stanazolol --

20 A. Yes, because we had known about since about 7 or 8 o'clock at that night.

Q. All right.

A. And Carol Anne had told him they had come because they were supposed to take the medal back and
25 return it to the International Olympic Committee.

Q. Yes. What was the reaction of Ben Johnson to all of this?

A. Not very much.

Q. Did he say anything?

A. No.

Q. Did you have some discussion with Johnson? Did you ask him any questions?

A. I asked him in front of the two people you mentioned, and I think the gentleman's name is Mr. Wilson, an RCMP officer who was in the room, if he had taken anything from anybody else. He didn't answer me.

I said, "Ben, did you take any injections, any tablets, anything else from anybody else?" He didn't answer me.

The third time I said "Ben, specifically, did you take any pink tablets from anybody else?" He paused and said "Umm" which I assume to be no.

Q. And why was it you asked him if he had taken any pink tablets?

A. Because those are the tablets that were Stanozolol are, they are pink. He said "no".

Then Dr. Stanish called me outside of the room, in the presence of my wife, she came out with us, too. And he said, "Jamie, that boy is lying to you." And I said "I know, but what can I do?"

Q. Why, did you think Ben Johnson was lying?

A. Yes.

Q. Why do you say that?

5 A. From the look on Ben's face I knew he was lying.

Q. Did you come to some conclusion right then and there that he had taken Winstrol tablets?

10 A. Well, I came to the conclusion that he had done something he didn't want us to find out.

THE COMMISSIONER: Had you supplied him at any time with a bottle of Winstrol tablets?

15 THE WITNESS: No, sir. No. I gave Ben Winstrol tablets in 1980 -- I think 1985. And he reacted to it.

THE COMMISSIONER: Did you give him in a bottle, though?

20 THE WITNESS: No, I gave him -- I think he had about 10 tablets. He was supposed to take one each day for 10 days and I think after five or six days he tightened up.

THE COMMISSIONER: But you asked him whether he took the pink tablets --

25 THE WITNESS: No, I never said the pink tablets. I never said the pink tablets.

THE COMMISSIONER: Well, pink tablets meaning the Winstrol?

THE WITNESS: I said did you take any pink tablets from anyone. I never said the pink tablets as
5 Mrs. Letheren has said. It's a big difference.

THE COMMISSIONER: Pink tablets. What you are asking about is whether he took the Winstrol tablets?

THE WITNESS: No, I -- with all respect, Mr. Dubin, I am not asking him if he took the Winstrol
10 tablets.

THE COMMISSIONER: Well, pink tablets, what pink tablets were you talking about?

THE WITNESS: I asked him if he had taken any pink tablets from anybody else.

THE COMMISSIONER: All right. I understand
15 about anybody else. But what pink tablets were you asking about?

THE WITNESS: They would have have been Winstrol, but not the pink tablets.

THE COMMISSIONER: I see. Well --

THE WITNESS: The pink tablets insinuates
20 that I knew he had pink tablets. And I never knew anything about that.

25

MR. ARMSTRONG:

Q. Well, if -- sorry, I interrupted.

THE COMMISSIONER: You asked him did he
take pink tablets. So, you must have -- that must have
5 come to your mind somehow?

THE WITNESS: Sure, if he tested positive
twice for Winstrol.

THE COMMISSIONER: I see.

THE WITNESS: Because the only pink tablets
10 that I know that has any Stanazolol --

THE COMMISSIONER: Is the Winstrol?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

15 MR. ARMSTRONG:

Q. Well, of course, another way to get
Winstrol or Stanazolol is to be injected with it, correct?

A. Sure, that's one of many ways.

Q. And did it ever cross your mind that
20 indeed he had been injected with Stanazolol in the days or
weeks leading up to the Olympic Games?

A. Not by me.

Q. All right. Now, I don't understand why
you would immediately jump to the conclusion that he was
25 lying and that he had deliberately taken some of these

pink tablets or some pink tablets which are Stanazolol.

Why did you come to that conclusion just like that, just because of the look on his face?

5 A. No, you are making an assumption on my behalf, Mr. Armstrong.

Q. I am sorry --

A. I think I am quite capable to speak for myself.

10 Q. -- I didn't intend to. I thought that's what you said. So, tell me, please.

A. I didn't mean Ben was lying, maliciously lying and that he had wilfully gone out and taken Stanazolol. I don't think Ben would have gone and taken anything wilfully like that.

15 What I was saying that he had a sheepish look which is the same reason why Dr. Stanish suspected he was lying, as a though he had done something. And now, you know, he was -- he was sorry.

20 I didn't even try to insinuate that he had gone and done something wilfully and lied.

Q. Well, you have told us that Ben Johnson knew about steroids, he had a curiosity about steroids, he asked you about steroids, you told him about steroids, right?

25 A. Uh-huh.

Q. You have told the Commissioner a moment ago that you gave him some steroids in steroid tablets in 1985 and he didn't like them?

A. Right.

5 Q. Why would he go off in August-September '85, whenever it was, and take Winstrol tablets. It doesn't make any sense, does it?

A. No, it doesn't make sense if he goes off and takes it. I never said he went off and took it. 10 You are looking at it from your point of view. I never said that Ben went and took anything.

Q. I am sorry, what are you saying?

A. I said he looked as though he realized he had done something.

15 Q. Well, you said you asked him --

THE COMMISSIONER: It didn't occur to you that he could have been injected with Stanozolol? Is that what you said?

THE WITNESS: Not by me, no, sir.

20 THE COMMISSIONER: Well --

THE WITNESS: Not by me. And I don't think he could have been injected with Stanozolol by anybody else either, because if he reacted to five two-milligram tablets that drastically, a 25-milligram injection would 25 give him tremendous muscle problems. And you don't run --

THE COMMISSIONER: That was a pill form,
not injectable form?

THE WITNESS: I beg your pardon?

THE COMMISSIONER: You are talking about
5 the pill form caused him difficulty?

THE WITNESS: Yes, with injectable form,
each cc is 12-and-a-half times as strong as a pill. You
can't run 9.79 when you are muscle bound from Stanozolol.

THE COMMISSIONER: Well, not when it's in
10 your system, is that what you said?

THE WITNESS: I beg your pardon?

THE COMMISSIONER: I see. But you don't
know what the effect of what you call Furazabol would
have. He would obviously get an injection of Furazabol
15 down to September 2?

THE WITNESS: No, he didn't. That's a
mistake, nobody is asking -- he got two shots from me and
after he left, my understanding from Ben was that he never
got any further shots.

THE COMMISSIONER: Well, I thought you said
20 he was to follow the protocol which put it down to
September 2?

THE WITNESS: Yes, but he never did go and
get any other shots.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. Well, Charlie Francis has told us that he gave him at least one shot in August of 1988?

5 A. I think Charlie said he gave him Inosine.

Q. That takes account of three of the proposed six.

A. Well, to my knowledge, Charlie gave him a shot of Inosine, the vitamin B mixture.

10 THE COMMISSIONER: I thought you said that Mr. Francis was to administer the rest? You gave two and he was to administer the rest?

THE WITNESS: Yes, and I gave Ben -- Ben had his bottles.

15 THE COMMISSIONER: Of Stanozolol?

THE WITNESS: No.

THE COMMISSIONER: Of what you call Furazabol?

THE WITNESS: Well, of what was Furazabol.

20 THE COMMISSIONER: I see.

THE WITNESS: And also his bottle of Inosine mixture.

THE COMMISSIONER: I understand he had a bottle of each.

25 THE WITNESS: And my understanding from Ben,

and I could have been misunderstood Charlie, was that he got one shot of the vitamin-Inosine mixture from Charlie.

THE COMMISSIONER: I see. All right.

5

MR. ARMSTRONG:

Q. Well, when was it that Ben Johnson told you that he didn't get any more Estragol shots after the first two that you gave him?

10

A. When I came back up the day before we left for Narita, the day before we left for Japan.

Q. And that I suspect must have annoyed you a little because it was a program that you had devised that you thought he required?

15

A. Well, it didn't annoy me with respect to the fact that he was improving steadily.

Q. Well, how do you know he was improving steadily? He didn't run a race between --

A. No, but they train, you can tell from the training.

20

Q. -- late August --

A. You don't have to run to a race to know what you are going to do. You can judge from the 30 and 60 meters and know exactly what they are going to go.

Q. All right.

25

A. I think if you go back to the NBC

interview which we did at the nationals in August that was played just prior to his race in September --

THE COMMISSIONER: Well, if Mr. Johnson followed this protocol of yours, he would take these injections up to September 2?

THE WITNESS: Yes.

THE COMMISSIONER: That's what he was told to do?

THE WITNESS: Yes.

THE COMMISSIONER: All right. Would this be a good time to adjourn, Mr. Armstrong.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: We will take a morning break. Thank you.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

THE COMMISSIONER: Mr. Michael.

MR. ARMSTRONG:

Q. Now, I wanted to move along from the

chronology in Seoul and ask you some questions about Jack Scott and others.

Did you ever tell Jack Scott, Doug Casey, or anyone else that one of Ben Johnson's corporate sponsors
5 promised a million dollars to anyone who could get Johnson over his hamstring injury and on track for the Olympic Games?

A. No, I didn't tell either those two men or anyone that. That was a rumour going around.

10 Q. Well, of course, it was more than a rumour because Sports Illustrated published that, without giving any particular names --

MR. SOOKRAM: Sir.

THE COMMISSIONER: Excuse me. Mr. Sookram.

15 MR. SOOKRAM: Are we going to bring in what Sports Illustrated said plus what all the Canadian newspapers say?

THE COMMISSIONER: No, I think Mr. Armstrong is going to ask him whether he ever made
20 statements to anybody else.

MR. SOOKRAM: Mr. Scott hasn't testified here.

THE COMMISSIONER: No, not yet.

25 MR. SOOKRAM: We have nothing on record. We are just picking something out of a newspaper or article.

THE COMMISSIONER: I think it's fair to ask him whether he ever made this statement. He said he had not. We are going to go on to the next question.

MR. SOOKRAM: On to the next question,
5 thank you.

MR. ARMSTRONG: Thank you, Mr.
Commissioner.

MR. ARMSTRONG:

10 Q. Did he ever tell Jack Scott, Doug Casey, or anyone else that the Americans and the Soviets did not know how to administer drugs without being detected, and that your idols were Bulgarian team doctors who were experts in deception?

15 A. No.

Q. I have in my hand a vial that contains a number of tablets in it. They seem to be a sort of mauvish-colored tablet. And you, in fact, gave me some time ago that vial of tablets.

20 Could you tell the Commissioner, please, the circumstances under which you came in to possession of that vial of tablets?

A. Yes. On one of Ben's trips to St. Kitts, when he was unpacking his suitcase, he had amongst
25 the vitamin pills and the other supplements which he was

taking, this bottle of tablets.

THE COMMISSIONER: What are the tablets?

THE WITNESS: It's Larodopa, L-dopa.

THE COMMISSIONER: L-dopa?

THE WITNESS: Yes.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

Q. Is that the same drug we talked about yesterday that Angella Issajenko, for example -- well, not for example, that Angella Issajenko had prescribed for her by Dr. Kerr to presumably increase the natural production of growth hormone?

A. Yes, it is.

Q. And you say that was on one of Ben's trips to St. Kitts?

A. To St. Kitts, yes.

Q. That he had that?

A. Yes.

Q. What, did he give it to you or you took it from him?

A. No, I asked him what was he doing with it. He said, "nothing", he wasn't taking it. So, I took the bottle from him.

Q. Which trip to St. Kitts was that?

A. I am not sure. I am not sure which trip. It was one of the earlier trips.

THE COMMISSIONER: About what year would you think, Doctor?

5 THE WITNESS: It would be either '86 or '87.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

10 Q. Well, we know that in December of 1986 he was in St. Kitts for a training camp with three or four other Francis athletes. And then in 1987, I think you told us that he was down there on a couple of occasions on a holiday?

A. Yes.

15 Q. Does that help refresh your memory as to which trip it may have been?

A. No, it was one of the earlier trips.

20 MR. ARMSTRONG: I would ask that this -- I called it a vial, I guess I am incorrect -- it is a bottle of tablets. Could we have that marked as the next exhibit, please.

THE REGISTRAR: 183.

THE COMMISSIONER: Put it in our pharmacy lab.

25

--- EXHIBIT NO. 183: Small bottle of mauvish-colored tablets.

MR. ARMSTRONG:

5 Q. Dr. Astaphan, I have in my hand I think correctly described this time as a glass vial containing a brownish liquid and sometime ago you provided Ms. Chown and I with that vial of brownish liquid. Can you tell us the circumstances under which that vial originally came in
10 to your possession?

A. Yes. That was when Ben came to St. Kitts in May of last year. This was one of the bottles of substances that he had in his possession.

15 Q. And he came to St. Kitts last year in May and we went all through the time period and the reason he was there yesterday. How did it come to your attention that he had that with him?

A. Because he unpacked the little blue Samsonite suitcase.

20 THE COMMISSIONER: Was that the same visit you got the L-dopa drug?

THE WITNESS: No, sir, this was last year.

THE COMMISSIONER: All right.

MR. ARMSTRONG: This was 1988.

25 THE WITNESS: Ben cared around a tiny blue

Samsonite suitcase with him in which he kept all his vitamins and other supplies, including little disk for his Sony Diskman or whatever it is called.

5 THE COMMISSIONER: I am sorry, I couldn't hear, Doctor, including?

THE WITNESS: Those little musical disks.

THE COMMISSIONER: I see, right.

10 THE WITNESS: When he unpacked it he had, you know, quite a few packages of the vitamins like the Hardco which you have here and the other ones called I think Animal Pack and megabolic or something. And a bottle of the Inosine-B complex mixture, and this bottle.

15 And I asked him where did he get it from. He said "someone". And was he taking it, he said "no". So, I said "could I take it? He says "yes".

THE COMMISSIONER: He didn't tell you who gave it to him?

THE WITNESS: No, sir.

20 MR. ARMSTRONG:

Q. And then you kept that substance from last May until you turned it over to Ms. Chown and me on March 30, 1989?

A. Exactly.

25 THE WITNESS: Okay. And Mr. Commissioner,

we have that substance analyzed by the Health Protection Branch of Health and Welfare Canada. And I have available for you, sir, the original Certificate of the Analyst, Mr. Andrew Holmes, which I would like to file.

5 THE COMMISSIONER: Well, we can file it with the bottle I think as one exhibit.

MR. ARMSTRONG: All right. Perhaps I could just indicate for you, sir, and the others that the Certificate of Analysis indicates that this substance, 10 which is described as a brownish substance, is listed in Schedule F of the Regulations made pursuant to the Food and Drugs Act, and is analyzed as containing Stanozolol and a sex hormone; namely testosterone.

And in an attachment to the Certificate of 15 the Analyst, there is further information which says the analysis has also indicated the presence of another substance which is Lidocaine. And that's the information which we have.

So, what is your wish, should we have this 20 marked consecutively or together?

THE COMMISSIONER: Well, I think as one exhibit.

MR. ARMSTRONG: All right. Perhaps we could make the bottle A and the certificate B.

25 THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG: What is the number?

THE REGISTRAR: 183.

THE COMMISSIONER: A and B.

THE REGISTRAR: 184 A and B.

5 MR. ARMSTRONG: 184 for the vial containing
the brownish substance, 184A. And then for the
Certificate of Analysis 184B, the certificate being dated
May 9, 1989.

10 --- EXHIBIT 184A: Vial containing brownish substance.

--- EXHIBIT 184B: Certificate of Analysis, dated May 9,
1989.

15 THE COMMISSIONER: Did you ask him about
this bottle? Did you know what it was?

THE WITNESS: No, sir.

THE COMMISSIONER: Did he tell you?

THE WITNESS: No.

20 THE COMMISSIONER: Did you ask him?

THE WITNESS: No. I asked him where did he
get it from.

THE COMMISSIONER: Did you ask him what it
was?

25 THE WITNESS: Well, I asked him what was it

in.

THE COMMISSIONER: What did he say?

THE WITNESS: "Stuff".

THE COMMISSIONER: Stuff?

5 THE WITNESS: Yes.

THE COMMISSIONER: Sorry, the answer was
stuff?

THE WITNESS: Yes, sir.

10 MR. ARMSTRONG:

Q. All right. I am showing to you a
two-page document which you gave to Ms. Chown and me at
the same time back in late March. And we have photocopied
it for those of us who are middle age in larger type than
15 in fact --

A. It will help me, too.

Q. -- it came in. It appears to be a
document written in German and appears to be like a
package insert. And we have the original package.

20 THE COMMISSIONER: I will take the
original; I don't need the enlargement.

MR. ARMSTRONG: You will take the original.

THE COMMISSIONER: I don't need the
enlargement.

25 MR. ARMSTRONG: We will at the same time

ask you to translate it for us. Everybody else getting the English translation, but you will have the original.

THE COMMISSIONER: Excuse me. Go ahead.
What is Ms. Chown handing out?

5 MR. ARMSTRONG: We are going to mark this as the next exhibit, if we could.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

10 Q. Could you tell us, Dr. Astaphan, the circumstances of your coming in to possession of this document?

A. Sometime last year before -- I think it was just before we went to Europe on the August trip --

15 Q. This is August 1988?

A. Last year, yes. Ben brought this to me and showed it to me and told him someone in a gym had given it to him and told him that this was stuff that was being used.

20 Q. Someone at a gym?

A. A gym.

Q. As in gymnasium?

A. Yes, gym.

25 Q. All right. Somebody had given it to him?

THE COMMISSIONER: What exhibit number is
this please, now.

THE REGISTRAR: 185.

THE COMMISSIONER: We haven't got it marked
yet.

THE REGISTRAR: 185.

MR. ARMSTRONG: No, I was being facetious,
we did not have it translated. All right.

10 --- EXHIBIT NO. 185: Enlargement of package insert of
Curablon.

MR. ARMSTRONG:

15 Q. And, Dr. Astaphan, he said
somebody had given it to him at a gym?

A. The insert?

Q. The insert, yes. This is last August
before you went to Europe?

A. Yes.

20 Q. All right.

A. It would be some time before we went to
Europe in August.

Q. All right. What if anything did he
say about it?

25 A. He said that whoever --

Q. Other than that?

A. Nothing; that the guy, whoever gave it to him, told him that this was being used by body builders and that it was good stuff.

5 Q. Yes. Did he ask your advice in respect of it?

A. Yes, he asked me what I thought. And I said I didn't have any thoughts on it, I never heard of it, and I didn't know what the stuff was.

10 And that was the end of any conversation between Ben and myself about this.

Q. All right.

THE COMMISSIONER: Had you found out later what it was?

15 THE WITNESS: I can understand the first part of it, it's "Testosteronnicotinat", but I don't know what the --

THE COMMISSIONER: It says anabolic?

20 THE WITNESS: It is an anabolic, it's "Testosteronnicotinat". It must be an anabolic.

THE COMMISSIONER: Yes, I see it now, thank you.

THE WITNESS: But I can't understand the rest of it.

25

MR. ARMSTRONG:

Q. Well, did you ascertain what his reason for asking you about this drug was? Was he himself contemplating whether it was something he might take?

5 A. Do you want me to make an assumption?

Q. No, perhaps in fairness you ought not to make an assumption.

THE COMMISSIONER: What was the discussion about?

10 THE WITNESS: He just asked me what I knew about it.

THE COMMISSIONER: Pardon?

THE WITNESS: He asked me if I knew about it and that somebody had given it to him and told him it was good. But I can't say that he made any overtures to me or anything about it.

THE COMMISSIONER: I understand.

MR. ARMSTRONG:

20 Q. All right.

THE COMMISSIONER: He was just inquiring about it?

THE WITNESS: Yes.

25

Q. All right. Then, I want Dr. Astaphan, now, if I may, to leave the subject of Ben Johnson although not completely but for a while, and I have some questions of you in relation to others.

5 First of all, an athlete called Tim Bethune testified in this hearing, not long ago, that he went to your office in September 1985, that he happened to be there on a day that Ben Johnson was there and that he followed Ben Johnson into your office or treatment room, 10 or wherever it may have been, I don't think the evidence is that clear, but he followed Ben Johnson in when he called in from the reception area and was present for a discussion that took place between you and Ben Johnson and subsequently was present when you injected Ben with some 15 drug. Do you recall such an occurrence in September 1985?

A. No.

Q. I take it that you agree that for a period of time in 1985 and 1986 that Tim Bethune indeed became a patient of yours?

20 A. Yes.

Q. And he testified that on his first visit to your office on September the 12th, I believe it was, 1985, that he would like to go on Ben's program and you said, well, we'll have to do some tests and you did a 25 physical exam of him, had him -- had some lab work done on

him and then he returned to get your advice. Does that ring a bell, if I can put it that way?

A. Half a bell.

Q. Which half?

5

A. That he came to me and I examined him and the tests. But, I don't know about any of Ben's program.

10

Q. All right. In any event, what -- he, for a period of mid-September through, I think, mid-September '85 through to February of '86 -- February the 2nd, '86 I think the OHIP records show -- visited your office on a regular basis and did you provide a drug program for him related to track and field?

A. Yes, I did.

15

Q. And tell us about that, please?

A. He was on the vitamin B mixture and the Dianabol tablets.

Q. Yes. Now, Dianabol tablets, are they --

20

THE COMMISSIONER: They're blue.

MR. ARMSTRONG: Are they pink or blue?

THE COMMISSIONER: Blue.

THE WITNESS: Blue. Blue tablets.

25

MR. ARMSTRONG:

Q. All right. And he has said that you told him that you were injecting growth hormone. That's his evidence, that he received injections of growth hormone?

5 A. Who did?

Q. Tim Bethune, that was his evidence. Is that so?

A. No.

10 Q. What you were giving him then in the injections was the vitamin B/inosine mixture?

A. That's all he got injectable.

15 Q. All right. Now, his evidence is that in addition to the injections, which he believed to be growth hormone, you would take out from a pill bottle some pink tablets and put them in a -- a white envelope and he would take them away and take them over the prescribed period of time presumably until the next visit. Is he in error when he says the tablets were pink?

20 A. I said I gave them Dianabol tablets and they're blue.

Q. Did you provide him with the Dianabol tablets?

25 A. Yes, sir, and the bottle was put on the desk. It was a white plastic bottle with a black and yellow label made by Rugby Drugs.

Q. Made by Rugby?

A. Rugby in the State of New York.

Q. And he has also testified that on about
the fourth visit he asked to see the bottle that you were
5 taking the pills from and that you had tossed the bottle
into a wastepaper basket or garbage can or whatever and
that you took the bottle out of the garbage and handed it
to him and he read the label and the label said Winstrol
V, for veterinary use only. What do you say about that?

10 A. No.

Q. And he therefore simply is in error or,
for some other reason, his recollection is faulty, I take
it?

A. I would say so, yes.

15 Q. All right. Now, Dr. Astaphan, he also
said that in one of his visits he obtained some pink
tablets from you which he provided to his coach, Brian
McKinnon.

20 And I should tell you that we have received
from his coach, Brian McKinnon, at least one and I believe
only one, pink Winstrol V tablet and is it possible that
apart from what you may have given Bethune for himself,
you may at another time have given him some pink tablets
for his coach?

25 A. No, it's not possible.

Q. Is it possible that you gave him some Winstrol V tablets for his coach?

A. No, it's not possible.

Q. All right. Now, I wanted to turn to
5 another individual, an individual by the name of Gary Lubin. He apparently, according to his evidence, was a patient of yours and also a track coach with the Scarborough Optomist Track and Field Club and was he, for a period of time, a patient of yours?

10 A. Gary's twin brother was a patient of mine, Ashley.

Q. Yes.

A. Gary wasn't a patient of mine. We discussed certain illnesses or injuries that he had had,
15 but he wasn't a regular patient of mine. I could have spoken and seen him once or twice, but...

Q. Well, it looks like, according to the OHIP records, you may have -- it looks like you saw him twice. In April of '85, you saw him on the 12th and the
20 9th and I presume, from what you say, that might have been possible?

A. I said, I think I saw him once or twice but that was because he couldn't get to his own doctor.

Q. In any event, he says that, or said,
25 that a few days before the Toronto Sun meet in January of

1988, you and he went to get a bite to eat at a coffee shop known as the Baker's Dozen or a doughnut shop known as the Baker's Dozen in the Jane and Steeles area of North York. Do you remember that?

5

A. Yes.

Q. And what do you remember about that meeting with him in January of 1988?

10

A. We discussed what progress some of his young athletes were making and the greater part of the discussion was about Gary trying to sell bee pollen to the athletes.

Q. Yes?

A. That's it.

15

Q. Did you have any discussion at all about Ben Johnson?

A. Yes. He said that he had seen Ben training and Ben looked pretty good.

Q. That is in January of '88?

A. Yes.

20

Q. He's talking about the current day?

A. Yes, when I went -- around the time I had coffee with him at that doughnut place, yes.

Q. All right.

25

Q. Did you did you have any discussion with him about Ben Johnson in August of 1987 -- not with

him in August of '87 -- sorry, I will scratch the convoluted question.

Did the subject of the World Championships in Rome, August 1987, come up in this conversation?

5 A. Yes, it did.

Q. And what is your recollection of that discussion?

10 A. We described the race and discussed the race and his start and the way he was going through the -- what's called a second phase of the 100 metres.

Q. Yes?

A. And that's it.

15 Q. Now, he, of course, has testified that you brought up the subject of Johnson's world record in Roman and that you visited, as he put it, Ben Johnson, four days before and four hours before the race and gave Ben Johnson something extra and it really helped. Those are his words.

20 Did you say anything like that to Gary Lubin in January of 1988?

A. No, I didn't.

25 Q. He then went on to testify, having said what I've just told you, that he questioned you and asked you if it was something illegal and he said you looked at him and said, well, it had to be masked. Did you say

anything like that?

A. No, I didn't.

Q. To Gary Lubin. Then Dr. Astaphan, we
have had evidence from Ben Johnson's family physician, Dr.
5 Sussman -- I believe we've mentioned his name yesterday --
he has testified that in the fall of 1987 he observed or
diagnosed a condition of mild gynecomastia of the left
breast of Ben Johnson which initially he suggested he see
a surgeon for.

10 And then, ultimately, without going through
the evidence in detail, the condition seemed to dissipate
and disappear and that was the end of it.

Had Ben Johnson ever exhibited any such
condition at any time that he was under your care in the
15 period 1983 or '84 to 1988?

A. No, he didn't.

Q. Now, yesterday you told me that you met
in Rome in 1987 an athlete by the name of Pier-Francesco
Pavone. He was a member of the Italian team who consulted
20 you in connection with some injury and you told us
initially what you had done with him.

As a result of meeting Pavone, did some
further relationship develop between Pavone and you?

A. Yes. Pavone -- actually, I didn't
25 treat him for his injury; Waldemar did. Waldemar

introduced me to him. And the discussion arose where he requested either us coming over to Italy on regular scheduled visits or him coming to Canada to train with Charlie Francis and go on "a program like the Canadian sprinters".

Q. Yes. I'm sorry, he discussed that with you?

A. Yes, he did.

Q. In Rome?

A. Yes, sir.

Q. In August '87?

A. Yes.

Q. All right. And where did that discussion lead? Was an arrangement made?

A. Well, tentatively we decided that (a) we would have to speak to Charlie to see if he would accept him into his training program and (b) we would have to see the logistics of the whole thing, there's going to Italy every minute and coming home to Canada.

And we phoned, you know, corresponded by phone fairly frequently and in, I think the end of November '87, he phoned me and said that he had discussed it and thought it over and he wanted me to fly to Italy to start him on a program because he had apparently spoken with Charlie who said, yes, he would allow him to come to

Canada and train with him.

Q. All right. And so did you -- did you fly to Italy to start him on a program?

A. Yes, I did.

Q. When was that?

A. It was late November '87.

Q. Yes. And what was the program you started him on?

A. The program he was put on was -- vitamin, mineral oral supplementation with a lot of co-enzymes, et cetera, inosine, vitamin B complex and a Furazabol regiment.

Q. The so-called Estragol?

A. Yes.

Q. All right. And when you flew to Italy in November, did you do some injections of him there?

A. Yes, I think I gave him two.

Q. Yes. Of both the Estragol and the ---

A. Inosine.

Q. --and the inosine, all right. Now, you mentioned a moment ago that Charlie Francis had given the green light to his coming to Toronto to train with the Francis group of athletes?

A. Right.

Q. And we've already heard in the evidence

that indeed he did come here in certainly December, January, December '87, January '88 and indeed it may have been earlier than that, it may have been November?

A. I think he came in early December.

5 Q. Early December '87?

A. I think so.

Q. And were you involved with him when he was in Canada training under Charlie Francis?

10 A. Yes. I came up early in December for, I think, three or four days and then I came back in January, the Monday before the Toronto Sun Games, in January '88.

15 Q. All right. When you came up in early December, were you involved with him in any way in this steroid/inosine/vitamin B-12 program, any injections?

A. Yes, I think I gave him another couple.

Q. Yes?

A. In that -- one or two in that time.

20 Q. I take it then he had obviously started on a program in your absence. What provision was made to continue the program?

A. Well, he said he would get the shots from one of the guys.

Q. Yes?

25 THE COMMISSIONER: I'm sorry, I didn't hear?

He would get some from where?

THE WITNESS: He said he would get it from one of the guys.

THE COMMISSIONER: I'm sorry. I didn't hear
5 the last word?

THE WITNESS: One of the guys, one of the main runners.

THE COMMISSIONER: I'm sorry.

THE WITNESS: Which, when I left in Italy
10 in, I think late November '87 ---

THE COMMISSIONER: Well, did you give him Estragol to use?

THE WITNESS: Oh, yes. I left a bottle with him in Italy.

15 THE COMMISSIONER: Pardon?

THE WITNESS: I left him a bottle in Italy and he brought that with him to Canada.

MR. ARMSTRONG:

20 Q. Was there some arrangement made while he was still in Italy to get injected with the Estragol?

A. He made arrangements. He had people who had given him shots before.

Q. And when he said he was going to get
25 one of the guys here in Toronto, was that one of the

Francis group you mean?

A. I would assume so.

Q. All right. What about Waldemar? Was
there any arrangement made with Waldemar Matuszewski
concerning injections of Pavone?

A. With Pavone, I found out later had made
arrangements with Waldemar to give him shots.

Q. I see. So you -- you found that out
after the fact? You weren't involved in it before the
fact?

A. No. He told me he was going to make
arrangements with one of the guys and I would assume that
Waldemar would have been one of the guys.

Q. All right. All right. And did you
ever provide Waldemar Matuszewski with any Estragol?

A. Yes, sir.

Q. When did you do that?

A. I think that was either July or August
of last year. He told me that a Polish coach, who was a
friend of his in Poland and who was now I think coaching
or training a soccer team in Rome, was in Ottawa for some
conference or convention and that he had requested to get
a bottle of the Estragol, a bottle of Anavar tablets and
Prostigmine.

Q. Yes. And did you get the -- did you

get the drugs for this Polish coach for Waldemar?

A. I got -- not the Prostagmine. The Anavar, I got a bottle for him, and by the time I had got it, he had already obtained bottles on his own.

5 Q. Yes?

A. And Estragol, he had a bottle in his bag which I understood was the one that was left with him by Pavone and I didn't have any up there with me and the other athletes needed it so I told him to give that to Pavone -- to his friend.

10

THE COMMISSIONER: To the Polish coach?

THE WITNESS: Yes.

MR. ARMSTRONG:

15 Q. All right. I'm sorry, I got you a little bit off track and didn't intend to jump from December of 1987 to the summer of '88.

Anyway we've done it, but I'm going to take you back to December of 1987 and Pavone. You said you came up in early December for a few days. You then came back up for a few days in January of 1988, just prior to the Toronto Sun Games at Maple Leaf Gardens on January the 29th?

20

A. That's correct.

25 Q. Did you see Pavone at that time?

A. Did I see him?

Q. Yes?

A. Yes, I did.

5 Q. And was he on -- on a steroid program
at that time?

A. No, he had stopped it.

Q. All right. Was there some plan for him
to run at some of the indoor meets in Canada?

A. Yes, sir, and he did run in some.

10 Q. And where did -- where did he run, do
you remember?

A. Well, the only time I saw him run was
at the Toronto Sun meet.

15 Q. I see. And so he -- the Toronto Sun
meet was on January the 29th. He must have stopped some
considerable time before that, the program, certainly
before you came up?

20 A. Well, he was supposed to stop the
program on either the 18th or 20th of December to coincide
with the beginning of the indoor season. I don't know
exactly when that was.

THE COMMISSIONER: What was the date of the
meet?

25 MR. ARMSTRONG: Well, the Toronto Sun meet
was January the 29th but the beginning of the indoor

season was January the 15th in Hamilton and so....

THE COMMISSIONER: He didn't run -- did he run in Hamilton as far as you know.

THE WITNESS: I don't think so.

5 THE COMMISSIONER: Okay.

MR. ARMSTRONG:

Q. But in any event, the plan initially was that he would run in Hamilton along with the others, is that not so?
10

A. That's right.

Q. And indeed you had told the others who were under the -- on a steroid program at that time that they should stop taking steroids by December the 18th?

15 A. Yes, either the 18th or the 20th. I'm not certain of the date.

Q. All right.

THE COMMISSIONER: Or the 19th?

20 MR. ARMSTRONG:

Q. 18th. Then, did Pavone's father ever accompany him to Toronto?

A. Yes. Pavone's father met us here, I think, in the summer when I came up.

25 Q. And was there some discussion that went

on between you, Pavone, Pavone's father and Waldemar about some possible link-up with the Italian national team?

A. Yes, there was.

Q. Tell us about that, please?

5 A. Well, they were trying to get Waldemar and myself to come to Italy to take over the training -- the medical treatment and training of the sprint, particularly the 4 x 100 metre members.

10 Q. And was this going to be -- involve you spending a considerable amount of time in Italy then?

A. It was going to involve us spending all the time in Italy.

15 Q. I see. You and Waldemar would pick up and go over and become involved with this sprint relay team?

A. You mean, if that's what they suggested?

Q. Yes?

A. That's what they suggested, yes.

20 Q. All right. And this was in negotiation carried out with Pavone's father?

A. Well, I don't know if it was a negotiation. It was numerous suggestions by Pavone's father.

25 Q. All right. Again, I don't want to make

a meal out of it. I take it that there were discussions and negotiations and, ultimately, it didn't go anywhere. You didn't become associated with the Italian national team. Is that fair?

5 A. Sort of, yes.

 Q. Well, I don't want to place you in the position of a lost opportunity here. If there's something relevant that I should be probing, but perhaps I'll leave it for others because I don't see it at the moment.

10 But Dr. Astaphan, just let me ask you this; was there some arrangement made between Pavone and you as to payment for your services in respect of the steroid/inosine/vitamin B program that you put him on?

 A. Yes, there were lots of arrangements
15 made. Primarily the arrangements that I would be refunded the money for my tickets to and from Italy.

 Q. Yes?

 A. The money to come to Canada to see him
20 and go back. Plus, the money for the substances which I supplied.

 THE COMMISSIONER: What about professional fees, though? What about fees?

 THE WITNESS: Well, there was a discussion
25 about that and they agreed to pay me a retainer of \$5' to \$6,000 a month.

MR. ARMSTRONG:

Q. All right. And did that transpire?
Did you get your expenses paid and your fee of \$5' to
\$6,000 a month paid?

5 A. No. Paying no regard to the
professional monthly fee, they still owe me about \$9' or
\$10,000 for air fares.

Q. For air fares?

A. That's right.

10 Q. All right. And indeed then, apart from
the trip you made to Italy in November of 1987, you went
to Italy when in 1988 in regard to this arrangement with
Pavone?

15 A. In February, late February, 1988, I was
called from Italy and told that Francesco was in Budapest,
Hungary, training for the world -- the European Indoor
Championships and that he had injured his hamstring and
would I go to Budapest and look at him and then go to
Italy with him. And, yes, I went.

20 Q. So, you went from St. Kitts, by
whatever route, to Budapest first?

A. St. Kitts, Puerto Rico, New York,
London, Hamburg, -- no, London, Frankfurt, then Budapest.

25 Q. And you attended then for his training
period that remained leading up to the European

championships?

A. Well, there was no training period after I got there. It took me so long to get there that I think we had about 36 hours left before the race.

5 Q. All right. Then where did you go from Budapest?

A. Went to Rome.

Q. Yes?

10 A. I think we spent a couple of days in Rome with Francesco and his father. Then we went to Formia which is, I guess, about 100 miles south of Rome where the Italian National Track and Field Training Centre is.

15 Q. All right. And how much time did you spend there?

A. In Formia, I think we spent two days.

Q. So, how long were you away all together?

A. About ten days, I think.

20 Q. And when you were in Budapest, you were there 36 hours before the race and what was the total period of time you were in Budapest?

A. I think about four days. I'm not sure.

25 Q. I assume during that four day period in Budapest, you would have had occasion to meet with other

people, officials associated with the sport of track and field?

A. A few.

5 Q. I presume you would have talked to other athletes and coaches?

A. Yes, a few.

Q. And did you go, apart from just going back from Budapest to Rome, did you go anywhere else in eastern Europe or was it just Budapest?

10 A. No, Budapest -- I think we flew straight to Rome.

Q. You weren't in Holland?

A. No.

15 Q. Did you meet a Dutch coach when you were there?

A. Yes.

Q. What was his name?

A. Hank.

20 THE COMMISSIONER: Where was this. Where did they meet?

MR. ARMSTRONG:

Q. In Budapest?

A. Yes, sir.

25 Q. And did you -- when you met with this

Dutch coach, did you have a discussion about steroids?

A. Yes.

Q. And did you describe yourself as Ben Johnson's steroid doctor?

5 A. Did I?

Q. Yes?

A. No, Hank knew who I was. I didn't have to describe myself to anybody. Hank knew who I was.

10 Q. All right. And what was the discussion you had with him about steroids?

A. Just an overview of steroids, what -- you know, what programs were going around and what we thought this was done and that was done.

15 Q. Did he tell you whether or not he had any of his athletes on a steroid program?

A. I don't think I'll answer that.

THE COMMISSIONER: Well, did you discuss steroids and their use generally in Europe? What was the discussion about?

20 THE WITNESS: He discussed steroids and the use generally in the international track and field world.

THE COMMISSIONER: Yes. And that is a prevalent that was being used prevalently in Europe. I don't know. Just tell us what the discussion was.

25 THE WITNESS: Mr. Dubin, it's being used

prevalently all over the world, not just in Europe.

THE COMMISSIONER: No, but I want to know the discussion you had with this man?

THE WITNESS: About it being used all over.

5 THE COMMISSIONER: That included Holland?

THE WITNESS: Beg your pardon?

THE COMMISSIONER: Including Holland?

THE WITNESS: It included every country where athletes run from.

10

MR. ARMSTRONG:

Q. Let's put it this way, Dr. Astaphan.

You and Hank had a very frank discussion about the use of steroids, not only generally, but specifically in regard to athletes that each of you knew, right?

15

A. Yes.

Q. Okay. And, indeed, you told Hank at that time that you ---

MR. SOOKRAM: I wonder, sir, whether Mr. Hank could be called here to give evidence and where is this information coming from? Now, Dr. Astaphan is being examined on evidence which is not before us.

20

THE COMMISSIONER: No, he's not. It's before us now. He gave the evidence as to the conversation. We're concerned with the prevalence of

25

steroids, not only in Canada but elsewhere and ---

MR. SOOKRAM: Yes, I appreciate that, sir,
but Mr. Astaphan is being asked directly and specifically
about somebody who hasn't testified and we don't know
whether or not he will testify.

THE COMMISSIONER: Well, we may not have to
call him. Dr. Astaphan has answered the questions. He's
told us what the conversation was. You're too experienced
of counsel to know that you have a right to put something
to a witness and if he says, 'I had that conversation,'
then he can testify. You know, that Mr. Sookram.

MR. SOOKRAM: I appreciate that.

THE COMMISSIONER: I think you're just a
little restless; you wanted to stand up.

MR. SOOKRAM: I don't generally do that.

THE COMMISSIONER: I know.

MR. SOOKRAM: Thank you.

MR. ARMSTRONG:

Q. And -- well, let's go back. Well, I
think I got my answer. I was going on to another
question. Thank you, Mr. Commissioner. You told Hank,
did you not, that you had Ben Johnson at that time on a
regime of growth hormone and Winstrol?

A. Are you telling me or are you asking

me?

Q. I'm asking you, that you told him that?

A. No.

Q. No. And when you were in Budapest, did
5 you, in fact, attempt to sell a whole training regime
including drugs, anabolic steroids, to any athletes who
may be interested at a particular rate of 10 per cent of
whatever they earned?

THE COMMISSIONER: 10 per cent of what, I'm
10 sorry?

MR. ARMSTRONG: Ten per cent of their
earnings.

THE COMMISSIONER: Oh, I see.

MR. SOOKRAM: This is -- I'm sorry, Mr.
15 Commissioner. This is another of those things that I
described as an ambush. This is totally new to us. It
was never put before the doctor.

THE COMMISSIONER: It's perfectly proper if
counsel has information to put to a witness and if the
20 witness denies it, that will be evidence. Collaterally,
it wouldn't be pursued.

25

MR. SOOKRAM: If the witness denies it, it will be the end, I hope so, sir.

THE COMMISSIONER: All right.

5 MR. ARMSTRONG:

Q. What did you say or did you understand the question?

A. Yes, I understand the question is. The answer is no.

10 Q. And then in your conversation with Hank, did you claim to have a blocking agent for steroids?

A. We exchanged whatever information and knowledge we had.

15 THE COMMISSIONER: Well, you told us earlier today that you are aware of many blocking agents?

THE WITNESS: I am aware of many blocking agents, Mr. Dubin. Hank is aware of as many as I am, if not more.

20 THE COMMISSIONER: So, it was quite clear you would discuss that with him. You were exchanging information, I gather?

THE WITNESS: Exactly.

MR. ARMSTRONG:

25 Q. Well, now, let me ask you this. Have

you ever, prior to the Olympics, offered to sell your story to any newspaper or news magazine?

And when I say your story, that is your story involving the administration of steroids to athletes?

A. No, I never offered to.

Q. I take it by that answer that maybe newspapers and magazines may have made propositions to you; is that so?

A. Yes, on many occasions.

Q. I am talking before the Olympics of 1988?

A. So am I.

Q. All right. I take it the only way that offers like that could have been made to you is if in fact you may have told certain people from time to time prior to the Olympics that you were you involved in the administration of a steroid program to Ben Johnson and some of his teammates?

A. I never told anyone that.

Q. And you never told anybody that you had Ben Johnson on Winstrol or Stroma?

A. No.

Q. Are you sure of that?

A. I am sure of that.

Q. Then without, Dr. Astaphan, naming names this time, I am not going to ask you to you do so, but has your advice been sought in respect of the use of anabolic steroids by athletes from countries other than Canada?

A. Yes.

Q. Can you give us an indication of the countries from which such athletes came?

A. Many countries.

Q. Did they include the United States?

A. Yes.

Q. Did they include, apart from Mr. Pavoni, from Italy?

A. Yes.

Q. Did they include Holland?

A. Yes.

Q. Did they include Australia?

A. Yes.

Q. Sweden?

A. Yes.

Q. Finland?

A. Yes.

Q. West Germany?

A. Yes.

Q. Bulgaria?

A. Yes.

Q. Jamaica?

A. Yes.

Q. East Germany?

5

A. Yes.

Q. Africa?

A. Yes.

Q. England?

A. Yes.

10

Q. And in addition to athletes, and in addition to this Dutch coach called Hank, have you from time to time over the years been consulted by coaches in respect of the use of anabolic steroids from other countries?

15

A. Yes, I have.

MR. ARMSTRONG: That might be a good point to break if that's convenient, sir.

THE COMMISSIONER: All right, 2:15.

20

--- Luncheon recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.

25

Commissioner. I thank you for your indulgence and the

indulgence of others. I had some information that I wanted to check.

THE COMMISSIONER: I understand.

MR. ARMSTRONG: I appreciate the putting up
5 with my delay.

MR. ARMSTRONG:

Q. Dr. Astaphan, before lunch I had asked
you about athletes from other countries who had sought out
10 your advice. I take it that what would happen over the
years is that as you became known as a figure on the track
and field scene that athletes from other countries when
they would see you at track meets and other places would
seek you out for your advice?

15 A. That's right.

Q. And before lunch, the athletes that
came from the various countries that we identified were
all track and field athletes?

A. No, sir.

20 Q. All right. Were they -- what other
sports did they represent when I went through that list of
countries?

A. Cycling, skiing - snow skiing, and
volleyball.

25 Q. All right. And just to get an idea in

fairness as to how many track and field athletes you might be referring to, when Ms. Chown and I met with you and your lawyers on Monday, I asked you to think hard and to give us an estimate of the number of track and field athletes that you may have advised from time to time. And I wrote them down, and I am just going to give you the numbers and ask you to agree with them. If I have got them wrong, you tell me.

You mentioned of the Americans, five?

10

A. Yes.

Q. Italians, three?

A. Yes.

15

Q. Dutch, one; Australians, three; Swedish, one, Finish one; West Germany, one; Bulgarian, one; Jamaicans, seven; East Germans, two; various African countries, five; and England, two.

A. Yes.

Q. Is that a reasonable number and I want to make -- does that accord with --

20

A. Yes.

Q. -- your recollection. And secondly, I wanted to ask you to make sure that the list that I got from you on Monday in terms of numbers that we were talking about track and field athletes, or does this include all sports?

25

A. That's just track and field.

Q. Now, the other thing that I wanted to make sure of and clear is that the athletes that we are talking about here that fall into this category of having consulted with you fall into the category of internationally-competitive athletes?

A. That's correct.

Q. Put another way, world class athletes; is that fair?

A. Yes, that's fair.

Q. Then for a moment can I just ask you about your Canadian practice as it existed over the years.

In addition to the track and field group of athletes who we have spent a lot of time on in this hearing and a lot of time during the course of your evidence over the last couple of days, did you also have occasion to have among your patients as a sports medicine doctor football players?

A. Yes, sir.

Q. And understandably I assume you would have treated football players for a variety of acute injuries that are common to that sport?

A. Yes, sir.

Q. And also among the football players, did you from time to time have occasion to assist, advise,

supervise them in relation to a steroid program?

A. Yes, I did.

Q. All right. And in addition to track
and field and football in Canada, have you had occasion
5 over the years as a sports medicine physician to be
involved with body builders as your patients?

A. Yes.

Q. Weightlifters as your patients?

A. Yes, sir.

10 Q. And power lifters as your patients?

A. Yes, sir.

Q. And in addition to having body
builders, weightlifters, power lifters as your patients,
have you also had occasion to advise, monitor, supervise
15 these individuals in respect of the taking of anabolic
steroids?

A. Yes, sir.

Q. Going back for a moment to football,
when Ms. Chown and I first met you not long ago, you told
20 us that you indeed have had the experience in Toronto
where there, from your observation, appeared to be, if I
can put it this way, a rather liberal access by football
players and others to steroids in this city. Is that so?

A. Yes.

25 Q. Could you just assist us if you would

in general and, of course, for our Commissioner in particular, what kind of information are we talking about here? What was it that supports that statement that I just put to you and yet you have agreed with?

5 A. They would on most occasions come in to the office with a huge bag, one of those equipment bags, filled with numerous different types of steroids: injectable, oral, even cutaneous applications.

10 Q. Yes. And what, would they bring this in to sort of show you and ask you what your opinion as a to their use?

15 A. Yes, they would bring them in and would say, you know, they have been on this one, and this one, and, you know, what do I think about this combination, you know, how do I think they should change it, et cetera.

20 Q. All right. And in regard to your experience in Toronto since 1983 and up through 1986 and even afterwards since you were here from time to time, were you able to assess just in general terms where and how freely available steroids were in this city? I mean I wanted to go out and get some steroids this afternoon is that an easy task to accomplish?

25 A. You don't have to go out; I can take you in the room and you can phone and they will deliver it.

Q. I see. And I take it it is just that easy?

A. Very easy, extremely easy.

Q. And, indeed, we have had some evidence
5 certainly in the Montreal phase of the Inquiry and a
little bit during the course of the track and field phase,
that steroids apparently appear in this city and elsewhere
to be freely available in places like Gymnasia and similar
sports facilities. And has that been your understanding
10 and knowledge over the recent years?

A. Yes, they are extremely accessible.

As a matter of fact, there is one
advertisement in the muscle magazine coming out of the
Province of Quebec that you can phone the guy and he will
15 send you his shopping list and you can just phone in what
you want.

Q. Now, in regard to your own practice
over the years, starting back in 1983 with Angella
Issajenko, perhaps early '84 really when you became
20 involved at least in an advisory capacity as her physician
in connection with a steroid program, did you ever keep
any records yourself of what your patients were doing in
regard to the taking of steroids?

A. Yes. Each patient who was on steroids
25 had a special slip referred to as their "roid" slip.

THE COMMISSIONER: As the what slip?

THE WITNESS: Roid, R-O-I-D, which is a short form of steroids.

THE COMMISSIONER: Right.

5 THE WITNESS: Which was kept, you know, all those slips were kept in a separate folder. When the patient came in, they were removed from the folder and put in to the chart.

10 MR. ARMSTRONG:

Q. All right. So, in the case of Angella Issajenko, Ben Johnson, Tony Sharpe, Cheryl Thibedeau, the list goes on a bit, I won't repeat it, each one of those would have had a roid slip kept separately from their
15 chart?

A. Yes.

Q. When you sold your practice in the late spring-early summer of 1986, what became of those records?

A. Those records were left with the
20 practice, whatever records were left. I don't know if you -- if you were familiar with what happened at my office.

Q. No, I am not.

A. Well, I think it was in April of 1986,
25 there was a breakin to the medical building where my

office was, and a lot of damage was done. Some charts were dirtied, some charts particularly motor vehicle accident charts were removed. And we tried to our utmost to get them clean at great expense and whatever was
5 cleaned was not interfered with what was left there. The rest, I think, were taken by some members from the College and the insurance company.

Q. Sorry, some what were taken by members of the College?

10 A. Some of the charts were taken, removed by members of the College.

Q. And when your office was broken in to in April of 1986, the so-called roids records, did they go missing?

15 A. I don't know because I never really practiced there seeing them there that much my more.

Q. I am sorry?

A. We started new records. You know, we started new records on all the patients until the damaged
20 charts were cleared up.

The roid records, as you call it, were in the same drawer that was broken in to where the six bottles of testosterone were stolen from.

Q. And --

25 THE COMMISSIONER: You mean the roids

records were in the same cabinet as the testosterone?

THE WITNESS: Yes. They were kept in the desk in my office.

THE COMMISSIONER: They disappeared, too,
5 along with the testosterone?

THE WITNESS: Well, everything in the drawer disappeared except my rubber stamp with my name on it.

10 MR. ARMSTRONG:

Q. That included the testosterone; did it include the roid records, too?

A. Yes, everything in the drawer except my stamp.

15 Q. What about the regular charts, though, apart from whatever the College of Physicians and Surgeons may have taken, they still remained behind, did they?

A. All the charts were left at the College and the ones that the insurance company --

20 Q. Sorry, all the charts were left?

A. With the exception of the ones that the two doctors from the College had removed. And I think some were kept there in the back for the insurance company.

25 Q. When you refer to the two doctors from

the College, I take it as part of whatever the routine may be by the College of Physicians and Surgeons there was some inspection being carried out of your practice at that time, was that it?

5 A. That's right.

 Q. Then when you testified yesterday you mentioned that from time to time, as I suppose any physician would do, but in your case you would have lab tests done in respect of your patients. And one of your
10 interests would be the result of a liver function study, I assume. Yes?

 A. Yes, it was.

 Q. And indeed as late as last summer in 1988, some of your athlete patients who were on or who
15 either were or had been on steroids were referred by you to have blood work done and certain lab tests performed on their blood; is that not so?

 A. That's correct.

 Q. Without, Mr. Commissioner, and Dr.
20 Astaphan, disclosing the names, I just want you to look with me at some of the results of those tests that you had done, it will only take a minute after I wire myself up here.

 All right. Here is one of your athlete
25 patients who had some blood work done on the 26th of

August, 1988. And I am looking, Dr. Astaphan, at the lab result for SGOT. First of all, can you help us as to what the SGOT is?

A. It's a liver enzyme.

5 Q. And in the lab report for this patient, the normal level for this liver enzyme is in the units of measurement that are used 7 to 35; am I correct?

A. That's correct.

10 Q. And this patient has an elevated liver enzyme level of 47; is that not so?

A. Yes, that's so.

Q. And did that result come to your attention last summer?

15 A. Yes. That result along with other results from these athletes were phoned to me in Japan that's when I got the results.

Q. All right. What if anything did you do about this result?

20 A. Nothing. They had already gone through the cycle.

Q. Sorry?

25 A. They had already finished completed the cycle. There were no clinical signs of any untoward effects. SGOT 47 is not as high as it sounds. They go quite a bit higher than that and they usually return to

normal within 14 days of ceasing.

THE COMMISSIONER: Did you report this to the patient?

THE WITNESS: Yes, I did.

5 THE COMMISSIONER: Did you have it retested after a while?

THE WITNESS: No, because when we came back from Seoul, everybody was told to --

THE COMMISSIONER: That was the end of it.

10 THE WITNESS: Yes, to find their own doctors. The reason why these tests were done were (a) they were not feeling very well.

THE COMMISSIONER: This is August '88 now.

THE WITNESS: The end of August.

15 THE COMMISSIONER: Right.

THE WITNESS: And (b), I was not in Canada --

THE COMMISSIONER: I see.

20 THE WITNESS: -- on steady basis and the physicians to whom they were going had not ordered tests in the previous three months.

MR. ARMSTRONG:

25 Q. All right. Then here is an another one --

THE COMMISSIONER: Forty-seven seems to be substantially higher than in range of 32 tops.

THE WITNESS: No, it's 7 to 35. Usually you take plus or minus 15 percent depending on the lab.

5 Forty-seven is not really that high.

THE COMMISSIONER: Well, it's more, it's 20 percent.

10 THE WITNESS: Yes, you know, I am not saying that it's within the lab error range. It's above the lab error range, but 47 is not an alarming --

THE COMMISSIONER: I see.

THE WITNESS: I would imagine if you go out and have a few got shots of booze one night on an empty stomach, the next morning you would get a 47 SGOT.

15 THE COMMISSIONER: No, but you realize I think that one of the potential side effects of steroids is liver damage. That's why you have the test. That's why you have the liver test taken, I assume.

20 THE WITNESS: I had a complete blood work, including thyroid.

THE COMMISSIONER: Do you have liver enzymes every time someone take a blood test or urine?

THE WITNESS: Do you?

25 THE COMMISSIONER: No, do you order a liver test for any patient, a liver enzyme test, every time you

have a patient sent to a lab?

THE WITNESS: No, no.

THE COMMISSIONER: It's quite infrequent,
actually?

5 THE WITNESS: Actually, it's not that
infrequent, but on these patients you should, all of them.

THE COMMISSIONER: Because of the steroids?

THE WITNESS: Yes.

THE COMMISSIONER: Right.

10

MR. ARMSTRONG:

Q. Now, here is a second patient back last
August of 1988 where the liver enzyme-liver function
reading on the SGOT is above the normal range at 39.
15 Admittedly, it's not as high as the other, but did you
become aware of this result?

A. Yes, I became aware of that result in
Japan, but the range again is 7 to 35, and you take plus
or minus 10 to 15 percent, and 39 is within the limits.

20 Q. Well, it's a pretty broad range,
though, Dr. Astaphan, it is 7 to 35. Those ranges surely
by the lab are intended to set the minimum and the maximum
range to catch and include a margin of error; is that not
so?

25 A. No.

Q. No?

A. Not in my knowledge. At least that's not what the labs tell us.

Q. Wouldn't a cautious doctor, Dr.

5 Astaphan, when he saw a liver function study showing 39 which is 4 points above the maximum range be concerned to get the patient in and do some kind of an assessment?

A. We were in Narita, Japan, when these results were phoned to me.

10 Q. Yes.

THE COMMISSIONER: If you saw the first one, the 42 whatever it was, would you then continue to prescribe steroids with that liver condition?

15 THE WITNESS: No, the first thing you do is get it and repeat the test to make sure it wasn't wrong.

THE COMMISSIONER: Suppose you repeat it and it comes out the same?

THE WITNESS: You stop.

THE COMMISSIONER: You stop the steroids?

20 THE WITNESS: Certainly. But in Narita, Japan there was absolutely no way you could do any testing. Then we went to Seoul and you know what happened after Seoul, everybody went their way.

25

MR. ARMSTRONG:

Q. Well, in Narita, Japan, you were there in about the 14th of September. So, I assume you would have conveyed the result at that time and indicated to the patient, whoever he or she was, that there had to be some follow up?

A. They were told the results and the levels of elevation. And they -- you know, they were supposed to have tests repeated when they came back. They were showing no ill effects clinically, and 37, 39, 45, though it sounds high, you know, they are really not anything to panic about. They were not on steroids at that time. They were not going to get any more steroids, and I would guarantee that any repeat test done would have shown reduced back to the normal or acceptable limits.

Q. Then here is a lab result that was done in respect of another athlete in 1986, and the SGOT liver function study shows a reading of 72. And on this lab scale the normal range is 5 to 40.

Can you recall now back to 1986 getting that result? And if you do, can you tell us what action if any you took in respect of this particular patient?

A. Well, that patient was self-medicated. And he was preparing to go into a very big international contest, nothing to do with track and field. And he came

in to me to do assessment. When the report came back and told him he told him he had to cut back quite a bit on what he was doing because his liver enzymes were high.

5 THE COMMISSIONER: Did you ever prescribe any lipid tests for these?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Are they on the charts there?

THE WITNESS: They should be.

10 THE COMMISSIONER: All right. Because you know there is a real serious side effect potential for lipids, because it's a fatty substance, isn't it? The steroid is a fatty substance?

THE WITNESS: It's a water-based Estragol.

15 THE COMMISSIONER: It's a fatty substance which could cause potential stroke or heart attacks.

THE WITNESS: Interestingly, Mr. Dubin, a lot of the steroids are used for cardiovascular --

THE COMMISSIONER: Pardon?

20 THE WITNESS: A lot of the steroids, particularly Furazobol, the indication for them is in treating hypercholesterolemia and hyperlipoidemia and arterial decease.

25 THE COMMISSIONER: It is a counter move for high cholesteral?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Where do you find that?

THE WITNESS: That's on all the
documentation you can find on did Furazobol.

5 THE COMMISSIONER: That's not what I have
seen, but you and I are reading different material.

THE WITNESS: I can show you all the
printouts.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

Q. Now, I wanted to ask you about a
situation in January of 1988 when you were in Toronto at
the time of the Toronto Sun meet at Maple Leaf Gardens.

15

And at about that time, did you begin to
have some concern about your own position as a physician
prescribing, supervising, monitoring, however you want to
call it, steroids for this group of athletes that we have
been discussing in the track and field area, including Ben
Johnson?

20

A. In one respect, yes.

Q. In what respect was that?

A. I have to go back to August '87 in
Rome. One evening in the hotel room where Ben stayed, we
were staying in the same hotel, he had purchased numerous

25

bottles of what were apparently vitamin tablets, numerous tubes of cremes and rubs and all that stuff. And they were in foreign languages which neither of us could understand.

5 And I spoke to Ben, and I said, you know, you guys go out and buy all these things off the shelves in Europe not understanding what they are. You know, I wouldn't imagine that if you ask somebody if it vitamins, they may not understand you, they might sell you something
10 that will interfere with whatever testing procedure you have done to you. You may be caught, you know, positive. The response was "yes, but Charlie or you would take the rap".

 THE COMMISSIONER: I am sorry, what was the
15 answer?

 THE WITNESS: "Charlie or you would take the rap".

 THE COMMISSIONER: Charlie or you would take the rap?

20 THE WITNESS: Charlie or myself would take the rap.

 MR. ARMSTRONG:

 Q. Charlie or you would take the rap?

25 A. Yes.

Q. That response was from whom?

A. Ben.

Q. Yes.

5 A. I didn't really let it sink it for too much. I thought it was on the spur of the moment.

10 Then when I came up to Toronto in December '87 to meet with them and spoke with Pavoni, Pavoni in one of his conversations said that, you know, you should be a little bit more protective of yourself because, you know, the word going around is that if (a) any of the athletes
10 got caught, they would deny ever having taken steroids.

15 This I sort of entertained at that time as an one ploy to get me to decide to leave the Canadian team and go with the Italian team. I didn't really pay too much attention to that either.

20 When I came back up in January, the week of the Toronto Sun meet, you know one evening during that week they there was a fight at the track where Pavoni slapped Waldemar in his face with a belt.

20 Q. Yes.

A. And, you know, we -- I stayed with Waldemar after. And we had a little discussion. As a matter of fact, he took me home after. And I asked him what had been going on and everything.

25 He was quite upset and legitimately so

because he was -- at that time he was being treated a little bit roughly and badly.

And he said, you know, the rumour at the track, which was the same thing that Pavoni told me, was that if they got caught taking anything, they would deny it, and that it was understood that Charlie or myself would take the rap for them.

And I decided at that time that before you get too deep in the swamp to be up to your waist in alligators, do something to make sure that your tail is covered. And I went and got a taperecorder and tape recorded conversations.

Q. You tape recorded conversations. And was this -- were these conversations in person?

A. No, they weren't in person.

Q. They were then over the telephone?

A. That's right.

Q. All right.

A. Because having done -- having tried to do it in person, I will guarantee nobody would say anything.

Q. You, as I understand it, got some assistance and advice in this respect from a member of your family; is that not so?

A. Yes.

Q. You and he, this member of your family is a brother, the two of you went out to a local Radio Shack store and got a device that you could attach to the telephone for the purpose of recording telephone conversations?

A. No, I went.

Q. You went?

A. I went, he didn't.

Q. All right. And you got a device that you could put on the telephone to record telephone conversations then?

A. Yes, sir.

Q. And what did you do?

A. Well, I phoned I think four or five people and had conversations with them, and tape recorded the conversations.

Q. Who were the people whom you telephoned?

A. Angella Issajenko, Pavoni, Ben Johnson, and Charlie Francis.

Q. Angella Issajenko, Pavoni, Ben Johnson, and Charlie Francis?

A. That's correct.

Q. And, Dr. Astaphan, what was the purpose of making these telephone calls, then?

A. To make sure that they understood and admitted that they knew that they were taking anabolic steroids so that when - excuse my expression - the shit hit the fan, my tail would be covered too.

5 Q. When the shit hit the fan, your tail would be covered too?

A. Exactly.

THE COMMISSIONER: I think you have already testified that everybody did know? You repeated that
10 several times.

THE WITNESS: I have testified to that, but in January of last year I had no idea I would be sitting here with you today.

THE COMMISSIONER: All right.

15 MR. ARMSTRONG:

Q. All right. And, Angella Issajenko, when she testified said that but for this Inquiry she and others would have gone to their graves without their
20 parents even knowing that they took steroids. And she said that, in fact, part of the protocol was if found out to deny, deny, deny. I take it you must have been aware of that?

A. Well, that was part of the protocol
25 that some people would stand up to.

Q. And you then have made -- you took a tape recording then of these various telephone calls with Ben Johnson, Pier-Francesco Pavoni, Angella Issajenko, and Charlie Francis?

5 A. That's right.

Q. And you made more than one copy of the tape, did you?

A. I made many copies.

10 Q. The original tape and the copies were kept where?

A. Oh, the original tape was kept in St. Kits in a bank vault. There were copies in two other vaults, and copies in two banks in Toronto with notes attached to them that just in case anything happens you know where to find the tapes.

15 Q. You provided to the Commission one of the copies of this tape that was in a bank vault in St. Kitts and provided it to Ms. Chown and me back in late March. Is that so?

20 A. That's correct, yes.

MR. ARMSTRONG: All right. Mr. Commissioner, with your leave, somewhere here we have some recording equipment available.

25 THE COMMISSIONER: We will take five minutes and let me know when it's available. Is it ready?

MR. ARMSTRONG: Is it ready to go? I am sorry, ready to go.

Now, may I just put this caveat on the tape that we have and we are going to have played the -- I will just ask Dr. Astaphan a couple of questions about who the first people are and so on, but when we come to Charlie Francis, there is a segment of his conversation that relates to a member of his family who was ill at the time, has absolutely nothing to do with any of the issues in which you, sir, are interested and --

THE COMMISSIONER: You will cut it off?

MR. ARMSTRONG: Mr. St. Germain is going to turn the tape off at that point and start it on again when the conversation continues on the matters that may be relevant.

MR. ARMSTRONG:

Q. So, if I could just ask, Dr. Astaphan, the first person to whom you make the telephone call in January of 1988 is Ben Johnson. Is that right?

A. No, I think it's Angella Issajenko -- no, Ben Johnson, you're right, sorry.

Q. All right. And the first voice that one hears when the telephone is answered is that of Mark McKoy?

A. Yes, sir.

Q. And after you explain -- after you exchange a couple of pleasantries with Mr. McKoy, the next voice you hear is that of Ben Johnson?

A. Yes.

Q. And I think then from then on, on the tape, you simply speak directly with whoever it is you're calling and the next conversation is that of Mr. Pavone?

A. That's right. Then Angella.

Q. And then Angella Issajenko and then Charlie Francis?

A. Right.

Q. All right. And one final matter, my information is that these telephone calls were made from the apartment of your brother, probably on the Wednesday before the track and field meet at Maple Leaf Gardens on January -- it was on January 29th, so these calls were likely made on January the 27th and would that accord with your recollection?

A. Most likely, yes.

Q. And when I say January 27th, Mr. Commissioner, that's January 1988.

THE COMMISSIONER: It was just before which event?

5 MR. ARMSTRONG: Just before the Toronto Sun Indoor Games at Maple Leaf Gardens on January the 29th, 1988.

THE COMMISSIONER: All right. That date is January 29th?

10 MR. ARMSTRONG: Yes. So, sir, we're now in the hands of Mr. St. Germain.

---Taped conversation between G.M. ASTAPHAN and BEN JOHNSON---

15

McKOY: Who's this?

ASTAPHAN: Jamie.

McKOY: Who?

ASTAPHAN: Jamie, Dr. Astaphan.

20 McKOY: Oh. Hold on a sec. He's just about to step out....

ASTAPHAN: Who is this, Mark?

McKOY: Yes.

ASTAPHAN: How are you?

25 McKOY: Good. How you doing?

ASTAPHAN: Not bad.

McKOY: Good. Let me see if I can catch him.

ASTAPHAN: Okay.

(Ben Johnson answers the phone)

5 JOHNSON: Hello?

ASTAPHAN: Hi?

JOHNSON: Yeah?

ASTAPHAN: What you doing?

JOHNSON: Huh?

10 ASTAPHAN: You going out?

JOHNSON: I was just having lunch with someone.

ASTAPHAN: Oh. They are -- we saw the race -- we saw
the race in St. Kitts, the one in Ottawa.

JOHNSON: Mm'hmm.

15 ASTAPHAN: And you know, one of your muscles looked
tight.

JOHNSON: In Ottawa?

ASTAPHAN: Yeah.

JOHNSON: Not really. I just been tired and stuff.

20 ASTAPHAN: Hmm'mm.

JOHNSON: I have travelled...(inaudible).

ASTAPHAN: Yeah. Because one of your hamstrings, I
think the left hamstring, looked as though
it was tightening up a bit.

25 JOHNSON: It was tight, yeah, it was tight.

ASTAPHAN: It was. You haven't used any of the white stuff, the steroids, since December, have you?

JOHNSON: Part of it, yes.

5 ASTPAHAN: Since December?

JOHNSON: Yeah.

ASTAPHAN: When did you do it? When was the last time? Not the inosine, the other steroid, the white one?

10 JOHNSON: Long time.

ASTAPHAN: Well -- what -- oh, you haven't used it recently?

JOHNSON: Yeah.

15 ASTAPHAN: Because I put on the bottle that you must stop on the 18th of December, something like that.

JOHNSON: Mm'mm.

ASTAPHAN: And you stopped then?

JOHNSON: Yeah.

20 ASTAPHAN: Oh! Because, you know, the bottle looked pretty tight.

JOHNSON: Hm'mm.

ASTAPHAN: Charlie haven't given you any steroid shots or anything by mistake?

25 JOHNSON: No.

ASTAPHAN: All right. You -- you -- you have more left
in the bottle?

JOHNSON: Yes.

ASTAPHAN: Okay. You going up to the track this
afternoon?

JOHNSON: Yes, I'm going by the track this afternoon.

ASTAPHAN: Yeah. Okay. I'm going -- I'm coming up
there about three, four o'clock. I'll meet
you. I'm in Toronto.

JOHNSON: Yeah. Okay.

ASTAPHAN: Okay. I'll see you up there then, Ben.

JOHNSON: Mm'hmm.

ASTAPHAN: All right.

JOHNSON: All right.

MR. ARMSTRONG:

Q. The next ,Mr. Commissioner, the next
conversation starts out with the -- apparently the
receptionist or whomever at the Novotel at North York
where Mr. Pavone was, on the evidence, staying at that
time.

---Taped conversation between G. ASTAPHAN and P.F. PAVONE

RECEPTIONIST: Good afternoon, Novotel North York, Lynn

speaking.

ASTAPHAN: Yes, good afternoon. May I speak to Mr.
Pavone in 1715, please?

RECEPTIONIST: One moment.

5 (Phone rings and answered by Mr. Pavone)

PAVONE: Hello?

ASTAPHAN: Francesco?

PAVONE: Oh, hi, Jamie, how are you?

ASTAPHAN: Fine, how are you?

10 PAVONE: I'm fine. I called you two times this
morning but you were not...

ASTAPHAN: No, I went -- I went downtown to get some
stuff.

PAVONE: Oh, how are you?

15 ASTAPHAN: Pretty good.

PAVONE: And when I see you?

ASTAPHAN: I'm coming up to the track this afternoon.

PAVONE: Oh, great. I'll see you there.

ASTAPHAN: Yeah. Have you been using any of the stuff?

20 PAVONE: No, Jamie. You mean the inosine?

ASTAPHAN: Yeah?

PAVONE: It's finished.

ASTAPHAN: The inocine is finished?

PAVONE: Say, just the last -- the last -- yesterday.

25 ASTAPHAN: And the white stuff, the steroid, you

haven't used any of that recently?

PAVONE: No, not all. I gave -- is Waldemar have---

ASTAPHAN: Yeah?

PAVONE: Is a month that he has my things there.

5 ASTAPHAN: Well, you -- so you haven't taken any since
the day we said you shouldn't take it?

PAVONE: No, on the 28th.

ASTAPHAN: Okay. And have you -- did you run in
Ottawa?

10 PAVONE: No, I didn't.

ASTAPHAN: Or Sherbrooke?

PAVONE: No, I didn't because with Waldemar we
decided probably -- and with Charlie, too,
we decided changing at the last time wasn't
15 so good ---

ASTAPHAN: Yeah.

PAVONE: So we see if I was ready to run but we
prefer to adjust the muscle and do other --
three workouts and ---

20 ASTAPHAN: Because I spoke with Waldemar and he figured
it was too many races, you see.

PAVONE: Yeah ---

ASTAPHAN: It would be too many.

PAVONE: Yeah, see --- but Jamie, where are you now?

25 ASTAPHAN: In Toronto.

PAVONE: Are you at home?

ASTAPHAN: Yeah.

PAVONE: Is Waldemar with you?

ASTAPHAN: No.

5 PAVONE: No? Because he was supposed to call me.
And actually I need ---

ASTAPHAN: I spoke to him here. I think he was going
to the bank or something, I'm not sure.

PAVONE: Oh, yes, maybe so. And ahhh....

10 ASTAPHAN: And Francesco?

PAVONE: Tell me?

ASTAPHAN: Since Charlie gave you that steroid shot, he
hasn't given you any more?

PAVONE: No, he didn't give me a -- a steroid shot.

15 He give me only inosine.

ASTAPHAN: Oh!

PAVONE: He give me only inosine. Instead of one,
1.5, that's all.

ASTAPHAN: Uh-huh. Just the inosine? He didn't ---

20 PAVONE: I'll check the -- I know the difference of
the bottle.

ASTAPHAN: He didn't give you any steroids?

PAVONE: No, no, no, no. But the white stuff, is it
steroid or Estragol?

25 ASTAPHAN: 'Rol, yeah.

PAVONE: It's Estragol?

ASTAPHAN: Yeah.

PAVONE: Uh-huh. Okay, that's all I need to know
because, I ---

5 ASTAPHAN: Yeah -- no, because, you see, he has been
giving some of the other athletes very high
doses.

PAVONE: I know; you told me.

10 ASTAPHAN: Of the Estragol, the white steroid stuff.
Because, you know, he could see Ben's muscle
in the race tightening up.

PAVONE: Yes.

ASTAPHAN: And Angella, I think, got so much that she
is either ---

15 PAVONE: She is crazy. I spoke with her. She is
doing too much and she didn't train. So,
she had lots of water inside ---

ASTAPHAN: Yeah.

PAVONE: ---and no strength at all.

20 ASTAPHAN: Yeah. Well, no, she is taking a lot of the
steroids, too.

PAVONE: I know. And she does for the first three
weeks another kind and then for the -- for
another month, the German stuff.

25 ASTAPHAN: Uh-huh.

PAVONE: And ---

ASTAPHAN: She's using the inosine and the steroid?

PAVONE: She?

ASTAPHAN: Yeah?

5 PAVONE: I don't know. The inosine I know.

ASTAPHAN: Yeah, but the German stuff that -- that she
got -- that Charlie got from me?

PAVONE: Oh, yes.

10 ASTAPHAN: Yeah, that she's using that for three weeks
and another steroid again?

PAVONE: Before.

ASTAPHAN: Yeah?

15 PAVONE: Before the other steroid that is different,
I think it's a more -- is not so clear. I
mean, doesn't go away so clearly.

ASTAPHAN: Well, you know, I think Charlie had given
her oil base steroid.

PAVONE: I have no idea. I don't know those things.

ASTAPHAN: Yeah.

20 PAVONE: Jamie....

ASTAPHAN: Because you know how muscles -- she is
running too slow.

PAVONE: She's slow but she didn't train, Jamie.

25 ASTAPHAN: I know because she -- he keeps giving her
the Estragol, the white steroid...

PAVONE: Yeah?

ASTAPHAN: Too much.

PAVONE: That's probably. She's -- but she didn't
train, I mean, Jamie. She didn't train
probably because for the problem of the
house, no? She bought the new house....

ASTAPHAN: That's right, and they're moving in.

PAVONE: Yes. And, so she is quite upset, also
psychologically. You know, when a very good
horse doesn't run well, doesn't run at all.

ASTAPHAN: That's right.

PAVONE: That's right. So, she give up. She gived
up many times and she's fighting with
everybody, to go -- she doesn't feel herself
(inaudible), that's the main reason.

And I spoke with my father, Jamie, and
they are preparing the -- the -- the -- how
you say -- the clinic. I told you?

ASTAPHAN: Right.

PAVONE: And he's going to call me after tomorrow ---

ASTAPHAN: Yeah?

PAVONE: And I would like that you speak with him
because there is something wrong with
Waldemar, Jamie. Really something wrong. I
knew something that I never had -- never had

to happen and Waldemar is behaving very badly with me. Very badly. Very, very badly and I really don't know, Jamie. I really surprised. I already told you two weeks ago, three weeks ago that I was very surprised.

I told -- ahhh -- it's not a problem of be paid or not be paid. The problem is do your work or don't do you work. Waldemar is not doing his work. He wanted lots of money and he didn't do nothing.

With my father he spoke about three hours a day and he work with me at least three hours a week. And we decided amount of money for that amount paying a lot of money for that amount of amount of work and he didn't do it.

And then I knew yesterday that he did to me something that is absolutely unbelievable. He went to a guy and he told him to charge me. You can't imagine! He went to the assistant of Charlie Francis.

He was not -- he wasn't with me becuase he had to go in Ottawa and see Ben and he told him, this poor nice guy to charge me,

\$50 an hour.

ASTAPHAN: And who was that, the guy Nash?

PAVONE: He's -- he's a coach over there.

ASTAPHAN: Yeah, Nash.

5 PAVONE: He's a little -- he's a nice man and I know
that -- \$50 an hour, for why? Are you a
surgeon. I mean, a -- mm'hmm -- a high
level manager?

10 If you want to be millionaire, don't do
coach, do something else. I mean, study ten
years something and then charge someone for
\$50 an hour. I mean, there are managers
here that are the most paid guys, they took
thirty bucks an hour.

15 ASTAPHAN: Mm'mm.

PAVONE: (inaudible)...\$50 an hour. And then he came
to apologize because, of course, he thought
himself -- Waldemar is really, really,
really, really, really, really -- I spoke
20 with my father, he's really upset. He is
really ---

ASTAPHAN: Yeah. You were speaking to him, when, on
Thursday?

PAVONE: I spoke him, no, this morning because ---

25 ASTAPHAN: No, you're phoning him again when?

PAVONE: With Waldemar?

ASTAPHAN: No, your father?

PAVONE: This morning.

5 ASTAPHAN: Yeah, but you say you're going to speak to
him again in two days?

PAVONE: Oh, yes. I'm going to speak to him -- and
he wants to talk to you.

ASTAPHAN: Yeah. Well, if you tell me when I will come
up and -- when he's phoning you.

10 PAVONE: Yes, so we'll talk to him.

ASTAPHAN: Because I have a copy of the letter from the
government here for him too, you see.

PAVONE: Yes. He's already asked me again. I told
him that you were coming with me.

15 ASTAPHAN: No, they gave me the copy so I have it here
and I'll give it to you.

PAVONE: And I'll take -- and I'll take -- I'll give
him the copy when I be back the 3rd of
February.

20 ASTAPHAN: Sure, okay.

PAVONE: And we are going to prepare the clinic
around the third week of March -- of
February.

ASTAPHAN: Mm-hmm.

25 PAVONE: So we'll be there for -- or, you'll be there

with me for ten days, if you can, of course,
and we'll prepare the clinic and we'll do
the clinic.

ASTAPHAN: Yeah.

5 PAVONE: And then we'll go together to the -- to
the ---

ASTAPHAN: To Hungary

PAVONE: World championship.

ASTAPHAN: Okay.

10 PAVONE: Of course, I hope you have time.

ASTAPHAN: Francesco, do you -- you don't know Angie's
number, do you?

PAVONE: I don't think so but let me see. I'm afraid
she is sick, too.

15 ASTAPHAN: She's sick? You mean, with flu or
something?

PAVONE: Mm'hmm, yes.

ASTAPHAN: Really?

PAVONE: I don't know. Try to check it because I
20 don't know. Angie, Angie, Angie, Angie,
Angie, Angie, Angie, Angie --- let me see
now. I have another -- just a minute.
Taylor, Taylor, Taylor....I have many here,
many place which I -- no.

25 ASTAPHAN: No?

PAVONE: No, I'm sorry, I don't have it. But I can give you the number of a guy that can give you the number.

ASTAPHAN: Okay.

5 PAVONE: The name is Mario.

ASTAPHAN: Yeah?

PAVONE: Mario, Mario, Mario and -- just a second, he's here. He can give you the number. 749---

10 ASTAPHAN: Right?

PAVONE: --4799.

ASTAPHAN: Okay.

PAVONE: The name is Mario. He's the guy that take care -- all the time takes her all the time from the house ---

15 ASTAPHAN: To the track?

PAVONE: Yeah. The Italian guy with the beard.

ASTAPHAN: Right.

PAVONE: Okay.

20 ASTAPHAN: Okay.

PAVONE: I'll see you there.

ASTAPHAN: Okay.

PAVONE: You will be very surprised, man.

ASTAPHAN: I know.

25 PAVONE: I am quite strong now.

ASTAPHAN: All right.

PAVONE: I'm running 5.60 -- 5.68 yesterday.

ASTAPHAN: That's quick.

PAVONE: That's quite quick.

5 ASTAPHAN: Sure, it is.

PAVONE: 5.68 -- and another time, the second time,
he didn't time because he made a mistake.

ASTAPHAN: Yeah.

PAVONE: But at 30 metres, I was running 3.01, 3.02
10 and before when I running in 5.68, I was
passing 3.03. Okay, it's a few under but
few unders are a lot.

ASTAPHAN: That's plenty, sure.

PAVONE: Yeah.

15 ASTAPHAN: Okay, but I'll see you up there this
afternoon. I'll bring the letter for you.

PAVONE: I would like to talk to you, too, Jamie.
What are you doing tonight?

ASTAPHAN: I have a meeting.

20 PAVONE: You have a meeting?

ASTAPHAN: Yeah, tonight and tomorrow is shot. I have
meetings tonight and all day tomorrow.

PAVONE: Can you bring with you the stuff for the
next month or ---

25 ASTAPHAN: Sure, sure.

PAVONE: Or whenever you want?

ASTAPHAN: Yeah, sure.

PAVONE: Jamie, tell me, you -- you have to tell me.

ASTAPHAN: Yeah. No, I'll bring it up.

5 PAVONE: And also then, can you buy the -- the -- the
needles because I don't have it. The --
the -- the -- how you say?

ASTAPHAN: The syringe?

PAVONE: The syringe, yeah?

10 ASTAPHAN: Sure.

PAVONE: Because I have only three and -- I don't
know -- you know, they told me that here you
cannot go in the stuff and buy syringe.

15 ASTAPHAN: No, you can go to a drug store. There is a
supply company around here we can get it
from.

PAVONE: Oh, great.

ASTAPHAN: Okay. So, I'll see you this afternoon.

20 PAVONE: I'll see you. I'll be there around 2
o'clock.

ASTAPHAN: Okay.

PAVONE: Bye.

25 THE COMMISSIONER: Mr. Armstrong, what's
next?

MR. ARMSTRONG: Yes, the next is not Mario,
it's Angella Issajenko.

---Taped Conversation between G.M. ASTAPHAN and ANGELLA
ISSAJENKO

ISSAJENKO: Hello?

ASTAPHAN: Angie?

ISSAJENKO: Yeah?

ASTAPHAN: Jamie.

ISSAJENKO: Hi, Jamie.

ASTAPHAN: How are you?

ISSAJENKO: Oh, okay. (Inaudible)

ASTAPHAN: You sound pooped out.

ISSAJENKO: I don't know what's wrong with me, you know.

I -- every since I've been trying to move
into this place, I got tired and then --
it's just like one week...boom...you know,
and I had a stomach flu from the baby and
everything's numb. I'll never be the same
again. I have no energy, I can't run and
I'm running terribly.

ASTAPHAN: I know. Actually, that's one of the reasons
why I've phoned you. I'm here in Toronto,
you know?

ISSAJENKO: Oh, you are?

ASTAPHAN: And we saw the race the other night in
Ottawa and Hamilton.

ISSAJENKO: Oh!

5 ASTAPHAN: And I don't like how you look.

ISSAJENKO: I know. I don't know what's wrong with me.
It's just like trying to go
....(inaudible)...it's in one week that I
went from being just as good in the winter
10 the last year to terrible.

ASTAPHAN: Yeah. When I was here last month, you were
running quick as hell.

ISSAJENKO: Yeah.

ASTAPHAN: But you -- when -- you haven't been taking
15 any of the Estragol, the steroid stuff
recently, have you?

ISSAJENKO: No, no.

ASTAPHAN: When did you get it last?

ISSAJENKO: Ahh, Jesus, I started about 34 days ago.

20 ASTAPHAN: Thirty-four?

ISSAJENKO: Yes.

ASTAPHAN: And how much was Charlie giving you? What
dosage?

ISSAJENKO: Well, I was just doing quarter cc.

25 ASTAPHAN: A quarter cc?

ISSAJENKO: Yeah, but what I did was I took a -- a --
for three weeks, I took ten milligrams of
Dianabol.

ASTAPHAN: Uh-huh. By mouth?

5 ISSAJENKO: Yes.

ASTAPHAN: Yeah, but he was giving you inosine?
Charlie was giving you the inosine and a
quarter cc of the steroid?

ISSAJENKO: Yes.

10 ASTAPHAN: How often?

ISSAJENKO: Every -- every -- hold on. Let me get my --
hold on.

ASTAPHAN: Okay.

(Long pause)

15 ISSAJENKO: Yeah. I think every -- what is that,
January 2nd -- hold on. I had my last shot
December 21st.

ASTAPHAN: Right. Of the steroids. But you were still
getting the inosine?

20 ISSAJENKO: Yeah, yeah.

ASTAPHAN: Much did you take?

ISSAJENKO: Oh, I -- I haven't taken any for a few days
but I was doing, like, 2 cc's.

ASTAPHAN: Mhm'mm. Three times a week?

25 ISSAJENKO: Yeah.

(Balance of tape inaudible)

MR. ARMSTRONG: Unfortunately, that's best we can do with that tape. The next call, and the last call, is with Mr. Charlie Francis and it's quite clear.

5 ---Taped conversation between G.M. ASTAPHAN and C. FRANCIS

FRANCIS: Hello?

ASTAPHAN: Charlie?

FRANCIS: Yeah.

10 ASTAPHAN: Jamie.

FRANCIS: Oh, Jamie. Hi, how you doing?

ASTAPHAN: No bad. What are you doing?

FRANCIS: Oh, fuck. You just got me out of the shower.

15 ASTAPHAN: Oh, shit! You just got out?

FRANCIS: Yeah.

ASTAPHAN: Oh! I phoned earlier on but nobody answered.

FRANCIS: Yeah. I probably was in the shower.

20 ASTAPHAN: We looked at the races; we saw then at home.

FRANCIS: Yeah.

ASTAPHAN: And two things bother me. Ben, in the race in Ottawa, looked as though his left hamstring was tightening up.

25 FRANCIS: He was very tight in Sherbrooke, I know that

for sure.

ASTAPHAN: And Angie couldn't -- her muscles just wouldn't kick in.

5 FRANCIS: Well, she's been sick with that virus and she, in training, ran within 200th's of her p.b. about three and a half weeks ago.

ASTAPHAN: I know. When I was here last month, she was flying.

10 FRANCIS: Yeah, but subsequent to that, she hasn't been able to do anything. Plus, with the moving and a lot of time missed and so on.

15 ATSAHAN: And -- the -- she said that she was taking Dianabol for about three weeks, 10 milligrams and then she stopped and then you were giving her --

FRANCIS: And then she took the shots, half a cc a shot.

ASTAPHAN: Yeah.

FRANCIS: Or a quarter of cc.

20 ASTAPHAN: She said you gave her a quarter cc twice a week, I think, for six shots.

FRANCIS: Yeah.

ASTAPHAN: And then she stopped. You gave her what, the steroid -- the Estragol ---

25 FRANCIS: Yeah.

ASTAPHAN: ---mixed with the ---

FRANCIS: Yeah. Well, she was taking the shots herself so I assume that's what she did.

ASTAPHAN: Okay. What about Ben? You know, he doesn't seem to ---

FRANCIS: Well, you know he went to Europe in -- the Wednesday before Hamilton?

ASTAPHAN: Right?

FRANCIS: And then he was in Hamilton and then he was in Vancouver and then he flew to Los Angeles for three days. Then he came back.

ASTAPHAN: No, but the -- I had one of the bottles I gave I gave him which he was supposed to give you.

FRANCIS: Of inosine?

ASTAPHAN: No, he had the the steroid, too?

FRANCIS: Yeah?

ASTAPHAN: Had on the dates he was supposed to stop.

FRANCIS: Yes?

ASTAPHAN: Did he give you that one?

FRANCIS: Once; he had one shot of that.

ASTAPHAN: Yeah, right. You gave him the one shot of that steroid?

FRANCIS: Yeah, that was all.

ASTAPHAN: Because he is confused, you see. He doesn't

seem to remember what he got or when and I told him no.

FRANCIS: Yeah, he got that about a month ago.

ASTAPHAN: Right. Just the one shot of the steroid?

5 FRANCIS: Yeah.

ASTAPHAN: On the -- I think it was the 18th ---

FRANCIS: Yeah.

ASTAPHAN: ---of December.

10 FRANCIS: And he had another one of the Estragol later.

ASTAPHAN: Yeah, but he's on the inosine now?

FRANCIS: Yeah.

15 ASTAPHAN: Because, I spoke to him and he -- sometimes you wonder exactly what he remembers or when he wants to remember.

FRANCIS: Yeah. But I think now the problem was that -- all the travel. Because he was like a piece of wood when he got back from Europe. Then he was fine in Hamilton. Now, 20 what happened in Ottawa, they were an hour and 20 minutes late by the time the heat went off.

ASTAPHAN: Oh, shit!

25 FRANCIS: He had a perfect start in the heat. He would have broken the world record by over a

tenth.

ASTAPHAN: Really?

FRANCIS: Because he started 20 metres out and walked across the line and ran 6.11.

5 ASTAPHAN: You're kidding?

FRANCIS: Six flat. And he literally stopped 20 metres out and walked across the line. So, there was no doubt he was 5.88, 5.92. Then, by the time the final came up, he was more tired and he got left in the blocks.

10

ASTAPHAN: Uh'uh?

FRANCIS: And he ran 6.01. So that's a yard record, but not the 55 metre record which is six flat but, you know, he got completely left in the blocks. And then again in Sherbrooke.

15

Now, apparently in Sherbrooke, Waldemar said he was very tight.

ASTAPHAN: Yeah.

20 FRANCIS: But, with all the travelling, I'm not surprised. He's got this week to loosen out.

ASTAPHAN: So, he's running this week?

FRANCIS: Yeah, he is running.

25 ASTAPHAN: He is? Oh, this weekend?

FRANCIS: Yeah.

ASTAPHAN: Do you have tickets for that thing?

FRANCIS: Yeah, I can get you tickets.

ASTAPHAN: If you're going, I just want a couple.

5 FRANCIS: How many do you need?

ASTAPHAN: About two or three

FRANCIS: Okay. Cause George's still got some, so
I'll get you some tickets.

ASTAPHAN: Who does?

10 FRANCIS: George.

ASTAPHAN: Oh, Van Zeyl.

FRANCIS: He's still got mine, so I'll -- I'll pick
them up.

ASTAPHAN: George Van Zeyl?

15 FRANCIS: Yes.

ASTAPHAN: Oh. Okay. They are -- do you have more of
the inosine?

FRANCIS: Yeah.

ASTAPHAN: And more of the steroid?

20 FRANCIS: Yeah.

ASTAPHAN: Like how much? I tell you why. It might be
difficult to get them later on. So I would,
you know -- I am going to put in a bid for
some right now.

25 FRANCIS: Well, yeah. Get -- I'll take whatever you

can. I'm take a couple of grand worth, or whatever, you know.

ASTAPHAN: Hm'mm. Of both the inocine and the Estragol?

5 FRANCIS: Mostly I need the inosine.

ASTAPHAN: Uuh'hh. Okay.

FRANCIS: Especially the concentrate. Like, he's got a very strong concentrate, right -- Ben?

ASTAPHAN: Yes.

10 FRANCIS: Much stronger than the others?

ASTAPHAN: Yeah.

FRANCIS: And -- now, how come his doesn't sting?

ASTAPHAN: How come his doesn't sting?

FRANCIS: Yeah?

15 ASTAPHAN: Because I put in a little bit of Xylocaine, freezing.

FRANCIS: Yeah, okay.

ASTAPHAN: Because it will sting like hell if he got it without the freezing.

20 FRANCIS: Yeah, I know.

ASTAPHAN: And he can tolerate the concentrate because he doesn't really tighten up like the others.

FRANCIS: Yeah.

25 ASTAPHAN: How is Francesco doing? He phoned me last

week and he said his times are good.

FRANCIS: Good, very good, I think. He looks strong.
He could be a little bit leaner, but he
looks good.

5 ASTAPHAN: Yeah.

FRANCIS: Now, I didn't know what's going on with him,
so I didn't know what to do because,
remember, we were talking, he was gonna do
stuff.

10 ASTAPHAN: Yeah.

FRANCIS: He never told me anything.

ASTAPHAN: Well, no, he told ---

FRANCIS: So, I left it sort of between -- because I
don't know...

15 ASTAPHAN: Yeah. No, he is taking inosine.

FRANCIS: And he's getting it in some other way?

ASTAPHAN: I think he's giving it to himself.

FRANCIS: Yeah, because -- and he's got the bottles
and stuff, or whatever?

20 ASTAPHAN: Yeah. I gave him a bottle of inosine.

FRANCIS: And maybe Waldemar is giving it to him or
something?

ASTAPHAN: No, no. Francesco is giving it to himself.

25 FRANCIS: Oh, okay. Because he never told me
anything.

ASTAPHAN: Yeah.

FRANCIS: Since he didn't want to tell me, I didn't want to pursue it.

ASTASPHAN: Yeah.

5 FRANCIS: So, I ---

ASTAPHAN: Yeah. He -- he said he got a shot from you?

FRANCIS: One time, yeah.

10 ASTAPHAN: And I said with that, you know, I'm sure you didn't give him a steroid, he gave him inosine and he said yes.

FRANCIS: Yes.

ASTAPHAN: Because he had ran out of -- he ran out of needles but he has needles now.

15 FRANCIS: Okay. Because I don't think he wants me to know.

ASTAPHAN: Yeah.

FRANCIS: So, I thought I better leave it between you guys because I didn't know what he was doing.

20 ASTAPHAN: Right.

FRANCIS: He looks big and I thought maybe he was doing the 'roids.

ASTAPHAN: He did. He did, initially. But he stopped on the same day as Ben, the 18th.

25 FRANCIS: Okay. Because, you know, he didn't want me

to know---

ASTAPHAN: Yeah.

FRANCIS: So, I didn't want to pursue it.

ASTAPHAN: That's right.

5 FRANCIS: But, I thought, you know, cause I was trying
to work a deal, you know, where you know, I
could bring you over to Europe and do all
that kind of shit and I couldn't really
pursue the matter, you know, with his father
10 who obviously knew nothing.

ASTAPHAN: Yeah.

FRANCIS: And he didn't want to discuss it with me.
And so, I thought better, you know that you
would, you know, talk to him directly
15 because I didn't know what to say to him one
way or another, you know.

ASTAPHAN: Well, I'm -- yeah, -- well, I'm going up
this afternoon to the track. I have a
letter for his father from the government
20 because ---

FRANCIS: Yeah.

ASTAPHAN: Because they have donated the land to the
thing, you see, to the track and field
complex.

25 FRANCIS: Yeah.

ASTAPHAN: What about the others, Ben and Mark? Not --

FRANCIS: Well, Desai had a calf pull.

ASTAPHAN: You see, the thing -- I told Desai in
December that he was getting -- he was
5 hitting it too heavy. He was getting
muscular like hell.

FRANCIS: Well, the room at the end of the track is
what caused it, you know. They're going
fater and faster to the finish line and they
10 don't have room to stop. So we put a mat up
at the end but in the meantime, he picked
this thing up and ---

ASTAPHAN: Shit. But how much of the steroid was he
getting?

15 FRANCIS: Ahh..one cc twice a week.

ASTAPHAN: One cc twice a week?

FRANCIS: Yeah. He was wrong. He thought he was
getting two.

ASTAPHAN: Desai?

20 FRANCIS: Yeah. He thought -- you know, when you
asked him ---

ASTAPHAN: Yeah.

FRANCIS: He said two but that was one cc of that and
one ---

25 ASTAPHAN: And one inosine. Yeah, well, okay. And

Mark's getting what, the same thing?

FRANCIS: Yeah, yeah.

ASTAPHAN: But you giving it to them?

FRANCIS: Yeah.

5 ASTAPHAN: Oh. Because I don't, you know, I wouldn't
trust them with themselves.

FRANCIS: No. No, I give it to them.

ASTAPHAN: Desai, his calf pull is where, high up or
low down?

10 FRANCIS: High up.

ASTAPHAN: Shit. But is he okay to run now?

FRANCIS: I think so but it was bothering him in
Hamilton. He had to back off. He still ran
pretty close to his p.b. but not like he
15 could do, you know.

ASTAPHAN: All right. Okay. Well, I'll call him this
afternoon about three o'clock, four o'clock.
I'm trying to get ahold of Wally so he could
give me a lift up, you see, but I don't know
20 where he is.

FRANCIS: Yeah. Fuck knows with that guy. I don't
know what the hell kind of business he's
running. Now, there's a problem -- Pavone
is having a hard time with Waldemar, to get
25 him to do any work.

ASTAPHAN: Uh'h?

FRANCIS: And this is going to be a problem at some point. Cause, I mean, sometimes he doesn't show up or he does half-ass or ---

5 ASTAPHAN: Yeah?

FRANCIS: Or he throws him in with everybody else. Like, he was supposed to work on him in the morning.

10 ASTAPHAN: Well, I -- I -- hopefully we can get all that shit straightened out this evening.

FRANCIS: Yeah. Now, I'm giong to be a little bit buried because I've got this fucking guy from public television going to be following me around today so I --

15 ASTAPHAN: Up there?

FRANCIS: Yeah. So, I may be a little -- I might have to disappear for a while.

20 ASTAPHAN: I'll hang around there until I guess until the thing finishes, till seven o'clock or whatever it is.

---Break in tape recording

25 MR. ARMSTRONG: This is the point, Mr. Commissioner, where we indicated that it's not appropriate

to play the tape.

THE COMMISSIONER: That's all. That's it?

MR. ARMSTRONG: No, there's more. We're just taking that out.

5

---Tape recording resumes

ASTAPHAN: All right. So ,as soon as I go back down on Saturday, or Monday, which I'm trying to get
10 out on one of those days back home, I will get the stuff. And you want as much of the inosine as you can get?

FRANCIS: I think so, yes.

ASTAPHAN: What about the steroids?

15 FRANCIS: I don't know. How much -- I don't know how much I need because I must have a couple year's worth of it.

ASTAPHAN: Uh'huh.

20 FRANCIS: Because I've got the same number of bottles of each, right?

ASTAPHAN: Yes, right. I think 24 of each or 20 (inaudible).

FRANCIS: 24, I think. That's quite good, isn't it?

25 ASTAPHAN: Yeah. It depends on how many of them you're giving.

FRANCIS: Oh, five people, six people.

ASTAPHAN: Five or six? Well, that will last a bit.

FRANCIS: You know, cause -- I mean, like, you know,
what are they going to do, two or three
5 bottles a year at the most.

ASTAPHAN: Each.

FRANCIS: Yeah.

ASTAPHAN: Yeah.

FRANCIS: So, I should have enough. Maybe I'll get a
10 few bottles of that.

ASTAPHAN: Okay.

FRANCIS: But I think the inocine and the inocine
concentrate is what I need.

ASTAPHAN: All right. Well, I'll get a whole bunch of
15 both of them.

FRANCIS: You know? Because I think that's more
important. Because, you know, you use
inocine all the time. We go through it much
quicker.

20 ASTAPHAN: Yeah.

FRANCIS: Because I think I've only gone through two
bottles of Estragol.

ASTAPHAN: Right.

FRANCIS: One half and I've gone through about four
25 bottles of inosine.

ASTAPHAN: Shit. Okay. All right.

FRANCIS: I'll count them all up but it seems to me that the inosine -- well, obviously, the inosine goes much --

5 ASTAPHAN: It goes more quickly because you can use it right through.

FRANCIS: You use it right through, yeah.

ASTAPHAN: Sure.

FRANCIS: And, you know, you use more each time.

10 Like, on the girls, if they're using a quarter cc of that stuff and one cc or more of the inosine, plus it goes four times as fast.

ASTAPHAN: What is this rumor about Larry leaving

15 Heritage.

FRANCIS: It's just a ploy to get more leverage with what's his name. But, I think , you know, basically he's independent with Heritage now, so....

20 ASTAPHAN: Oh. So, he's like a freelancer working with Heritage?

FRANCIS: Yes.

ASTAPHAN: Oh. Because I heard at home that he left Heritage.

25 FRANCIS: Well, he's -- so, you know, they

terminated -- they handed in termination notices which means that, you know, they're working straight with Larry.

ASTAPHAN: Who did?

5 FRANCIS: Everybody, all of them.

ASTAPHAN: Oh, I see. You mean the athletes?

FRANCIS: Yeah.

ASTAPHAN: Have handed in to Heritage?

FRANCIS: Yeah, and then they're working with Larry
10 direct.

ASTAPHAN: Uh'huh.

FRANCIS: So, that way he's -- he had to come around.
He was sort of -- cause Larry was only
making around \$30,000 a year or something.

15 ASTAPHAN: From them?

FRANCIS: Yeah, which is pretty bad considering. So
now, I think he splits with them or
something. But, it's good to have Heritage
there because they got all that other
20 contacts, you know.

ASTAPHAN: Mm'hmm.

FRANCIS: Like, they got the shoe contract came
through.

ASTAPHAN: Which, for Ben?

25 FRANCIS: Yeah, Tiger.

ASTAPHAN: Tiger?

FRANCIS: Yeah.

ASTAPHAN: That's where, Korea?

FRANCIS: No, Japan.

5 ASTAPHAN: Oh. What about the Reebok in Italy? That
never came through?

FRANCIS: They were never -- they weren't even in the
running.

ASTAPHAN: You're kidding?

10 FRANCIS: No. And then the other one was Diadora.

ASTAPHAN: Uh-huh.

FRANCIS: Reebok got bought out by the Americans.

ASTAPHAN: Really?

FRANCIS: And then, you know, they weren't really very
15 responsive to anything and Diadora was
coming back with big punitive clauses, you
know, in the later years and so which Tiger
doesn't have.

ASTAPHAN: That's the Italian group?

20 FRANCIS: Yeah.

ASTAPHAN: I think they're full of shit over there, you
know.

FRANCIS: Yeah, but the Tiget offer was very good and
the punitive -- you know, like in other
25 words, to maintain a contract at full amount

throughout the whole duration for five years, all you have -- he has to keep it at ten, ten --

ASTASPHAN: Yeah.

5 FRANCIS: Which means that -- that certainly wouldn't keep him in the top five. So, that's the top five or ten, ten.

ASTAPHAN: Yeah. They -- but what Francesco was telling me about some joint training camp in
10 Italy for the Canadians and Italians. Do you know anything about it?

FRANCIS: Well, it's a possibility that we could go to the training camp there but that would, you know, it might be a bit cold then. So, the
15 other possibility would be to go to Guadeloupe because they're prepared to pay everything and every air ticket for 50 people.

ASTAPHAN: In Guadeloupe?

20 FRANCIS: Yeah. In mid-April.

ASTAPHAN: Really? Oh, you know somebody called Cecil Smith?

FRANCIS: Yeah.

ASTAPHAN: What kind of an asshole is he?

25 FRANCIS: He's a real shit.

ASTAPHAN: Did I tell you he was at a coach's meeting
in Puerto Rico a couple of months ago?

FRANCIS: Yeah.

5 ASTAPHAN: And he was mouthing off to everybody in
Puerto Rico that the athletes were coming to
St. Kitts rather than Guadeloupe because you
and I had an arrangement going giving them
steroids.

FRANCIS: Yeah, nice guy.

10 ASTAPHAN: And one of the coaches told me, I think
somebody better speak to that guy.

FRANCIS: Yeah, I'll go after him. Do you have any
specifics?

15 ASTAPHAN: Sure. He told it to Dusty Laplace, the
national coach from St. Kitts and Dusty came
and told me; asked me if I knew Cecil Smith
and I said no. And he said, well, you
better get ahold of somebody because he was
in the coach's conference in Puerto Rico
20 mouthing off that you were bringing them to
St. Kitts to see me because of the steroids.

FRANCIS: Cute guy. Yeah, well, maybe I'll go after
him because, you know, we were fighting with
him about the Hamilton meet.

25 ASTAPHAN: This last Hamilton meet?

FRANCIS: Yes. Cause he was the guy organizing that causing us all our problems for us.

ASTAPHAN: Hmm.

FRANCIS: That's probably about that time.

5 ASTAPHAN: Because, you know, I think he better stop that shit.

FRANCIS: Yeah. Do you know anybody -- do you know some specifics, specific names?

ASTAPHAN: Who he told?

10 FRANCIS: Yeah?

ASTAPHAN: He told Laplace, Dusty Laplace, the coach -- the St. Kitts coach because he came right back to St. Kitts and told me. I don't know who else was there but apparently he told
15 Dusty and the group that were in that he tried to get the team to go to Guadeloupe last year and the year before and they came to St. Kitts to this guy Astaphan because Charlie Francis has an arrangement with me
20 for steroids and all this shit.

FRANCIS: Cute. And how do you spell this guy's name?

ASTAPHAN: Smith?

FRANCIS: No, Dusty, whatever.

ASTAPHAN: Oh, Dusty's a nickname, D-U-S-T-Y, but his
25 last name is Laplace, L-A-P-L-A-C-E and he's

the national -- he's the head coach for the St. Kitts' team.

FRANCIS: Yeah, because I've heard some other things about him from one of the newspaper guys who came out and said that he tried to start some shit last year, you know.

ASTAPHAN: Hmm'mm.

FRANCIS: He's carrying the shit pretty far.

ASTAPHAN: He is, yeah. Okay. Well, anyway, I will see you this afternoon. I'll come ---

FRANCIS: You never know how far to pursue it, though.

ASTAPHAN: Well, I would -- I would go after him because if he says to the international coaching level ---

FRANCIS: Well, he's obviously talking to all those people down there. But, I mean, shit, you know, we went to St. Kitts. You provided the hotels and the air fares and everything else. The same as, you know, I mean shit -- with a budget of zero, what did he fucking think I'm going to do?

ASTAPHAN: Yeah, well, you know, he should ---

FRANCIS: I mean, I've got to pay to go to Guadeloupe at that time.

ASTAPHAN: Yeah, I know. I think he should -- he

should watch his mouth a little bit.

FRANCIS: You know. Now I'll go wherever somebody
would help us out. I mean, fuck me. What
do you want me to do, have no camp? I can't
5 have any camps, you know.

ASTAPHAN: No.

FRANCIS: I have a budget of zero. What the fuck!

ASTAPHAN: No. I know it, you know, and the thing is
Dusty

10

---End of tape recording

THE COMMISSIONER: Is that it?

MR. ARMSTRONG: That's it.

15 THE COMMISSIONER: I think, Dr. Astaphan,
you should take your equipment back and get your money
back. Or else get a new operator.

MR. ARMSTRONG: All right. Then, Dr.
Astaphan, I just have a couple of questions.

20 THE COMMISSIONER: So the first conversation
was Mr. Johnson, the second was Francesco, the third
Angella and the fourth was Francis, is that right?

MR. ARMSTRONG: That's correct.

25 MR. ARMSTRONG:

Q. And just going back to refresh your memory, Dr. Astaphan, I have my own note of what was said in these conversations that I want to refer to and ask you a couple of questions.

5 First of all, in the conversation with Ben Johnson, the note that I have in regard to the discussion about steroids is as follows: You say --

THE COMMISSIONER: Well your note, the best evidence is the record itself, Mr. Armstrong.

10 MR. ARMSTRONG: All right. Well, there was a discussion between you, Dr. ---

THE COMMISSIONER: Which you've all heard.

MR. ARMSTRONG:

15 Q. Dr. Astaphan and Mr. Johnson about when he had last taken a steroid and there was a discussion about the date of December the 18th. And then when you spoke with Mr. Francis, did you speak with him -- I assume these calls just went one right after another?

20 A. Pretty well, yes.

Q. So that -- was this morning or afternoon, not that it matters?

A. I don't know. I don't remember.

25 Q. Anyway, in any event, after you finished speaking with Ben Johnson, you to spoke to

Francesco Pavone, put down the phone and you presumably dialed Charlie Francis, did you? Is that fair?

A. Yes.

Q. And when you spoke with Francis you
5 were asking him about when he had given the -- a shot of
steroid to Ben Johnson and you said something like this,
when Francis said that he had given him a shot you said
because he's confused. You see, he doesn't seem to
remember what he got and when and I told him, no, and then
10 after some discussion continued you said because I spoke
to him and sometimes you wonder exactly what he -- what he
remembers or when he wants to remember.

And can you help me, what did you mean by
those statements when you were speaking to Mr. Francis?

15 A. Well, at that point in time, I think
Ben had got his priorities a little bit screwed up. In
that, you know, he had got to the stage where you almost
felt that he thought he was infallible or invincible and
that he would do what he wanted to.

20 THE COMMISSIONER: I'm sorry. He thought
infallible and he could do what he wanted to, is that what
you said?

THE WITNESS: And invincible.

THE COMMISSIONER: Pardon?

25 THE WITNESS: Infallible and invincible.

THE COMMISSIONER: Invinceable. I see.

THE WITNESS: The reason why he wanted to
get me off the phone by answering me so quickly was not
that he was going out for dinner but that he had a -- he
5 was on his way out on a date.

And what Charlie and myself understood by
the conversation was the fact that he was, you know -- I
don't think he realized that he was a normal person and
that he had to follow the protocols that were set down.
10 There's an air that was built up around him.

MR. ARMSTRONG:

Q. Well, when you're talking about the
protocal, you mean paying attention to the clearance time?
15 Is that what you're talking about?

20

25

THE WITNESS: Yes, pay attention to what protocols, medical or otherwise, that were set down.

THE COMMISSIONER: And take the steroids and the -- at the time scheduled, is that what you are you
5 taking about?

THE WITNESS: Yes, sir, that was my worry.

THE COMMISSIONER: Yes.

THE WITNESS: That was one of my worries.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

Q. All right. Now, during the course of the conversation it seems that Johnson's last scheduled steroid shot at that time was to be December the 15, 19 --
15 or December the 18th, rather, 1987, and the first indoor meet in 1988 was January the 15th?

A. Right.

Q. And if you do you a little bit of arithmetic it appears that you at that time for Estragol
20 were allowing a 28-day clearance time; is that not so?

A. No. On that occasion the reason it was stopped so soon was that the Christmas holidays were coming up and they weren't going to be going through too heavy a training schedule. So, there was no need for it
25 then.

Q. I see.

THE COMMISSIONER: I think you said that you wrote on the bottle stop on the 18?

THE WITNESS: On the 18th because they
5 were -- most of them were going to really ease off training just before Christmas and not return to heavy training until early January.

THE COMMISSIONER: I see.

10 MR. ARMSTRONG:

Q. Now, I wanted to turn again perhaps almost for the last time to this question of Estragol. The bottles that you got originally from the East German at your office in Toronto in June, or whenever it was,
15 1985, came without their labels on them. And I think you said yesterday that they were still sticky from having been removed?

A. Yes.

Q. Is it not a fact that you indeed had
20 pretty much a regular habit of removing labels from steroid bottles; is that not so?

A. Did I?

Q. Yes?

A. No.

25 Q. No. Now, so far as Estragol is

concerned, there were a number of athletes who have testified about Estragol having been supplied with Estragol by you. And they are Issajenko, McKoy, Desai Williams, Cheryl Thibedeau, Tony Sharpe, and Peter Dajia.

5 Now, none of those athletes, Dr. Astaphan, in their evidence mentioned the name Furazobol or Miotolon with the exception of Issajenko who says she learned about it after Seoul.

10 And in this telephone conversation that you had with Charlie Francis, and, indeed, with Pavoni and others, all along you talk about Estragol. Correct?

A. They do, too.

Q. They do, too, but that's --

15 THE COMMISSIONER: They all told us that you told them that the drug was Estragol. That they were never told that it was anything else, all of them.

 THE WITNESS: Mr. Dubin, I appreciate what they told you, but I --

20 THE COMMISSIONER: I think it is Mr. Armstrong's duty to put to you what the evidence is and you have the right to respond to it, but it's in fairness to say to you they all were unanimous in the position that they were taking that they were told it was Estragol, including Mr. Francis?

25 THE WITNESS: Yes, part (a) is I never

supplied Desai or Mark with anything other than growth hormone. So, that part is wrong.

Part (b) is they were told originally and initially that the drug was called Miotolon, made in Japan. The name used by the East Germans was Estragol for secrecy or security reasons. Everybody accepted it. They were told about the closeness of the compound to Winstrol being andro-sterazolidin derivative and the effects, the androgenic being less anabolic, being more the side effects, et cetera.

They were all very much aware of what it was and what they were taking.

MR. ARMSTRONG:

Q. Yes. It wouldn't have been very much of a secret, though, if you had disseminated all of the information about Estragol to this number of people, isn't that so? The track and field world is pretty small and like a lot of groups, it is a bit gossipy, is it not?

A. Which number?

Q. Well, there is, you know, just to name a few: Issajenko, McKoy, Williams, Thibedeau, Sharpe, Dajia, Francis.

A. You keep mentioning Williams and McKoy and I --

THE COMMISSIONER: They apparently got it from -- what was their evidence? They got it from Dr. Astaphan or from Mr. Francis?

5 MR. ARMSTRONG:

Q. They got it from Mr. Francis, but one would have thought if Mr. Francis knew that it was really Furazabol or Miotolon, that he would have told them if that's the case?

10 A. Yes. And why not tell them, they are a member of the group.

Q. Well, maybe the reason for not telling Williams and McKoy is that Francis didn't know that it was Miotolon or Furazabol?

15 A. They all knew. You know, it -- I tell you there is something called brotherhood of the needle. And those guys in little cliques know everything the other ones are doing and whichever one says they don't know or they didn't know then --

20 Q. Well, when you talk about the brotherhood of needle, one would have thought that when they referred to this drug in the brotherhood of needle they would have referred to it by something other than the white stuff or by Estragol if they knew that it was really
25 Furazabol or Miotolon?

A. Yes, but the secrecy is that who would overhear them? Who is going to overhear them? Somebody might hear you and somebody might get what case you have got up your sleeve.

5 Q. Now just another matter for a moment. When I asked you yesterday about what happened to your steroid or to your records in respect of the athletes, you told me that you left those with Wong and Wong; is that so?

10 A. Yes, I said whatever records were there were left.

Q. And that included the core group or elite group of athletes?

15 A. If their records were there after the incident I described to you, they were left.

Q. Now, I should tell you that our information is that they don't have any of your records related to any of this core group of athletes?

20 A. Well, I -- I don't know what you expect me to answer you to that.

Q. But I guess based on your evidence you think they should have?

A. Well, they should be.

25 Q. Let me see if I can refresh your memory. I have got here an Agreement of Purchase and Sale

between you and the Wongs, prepared by Mr. Sookram's office. And it appears to be signed by you and the two Wongs, correct?

A. Yes.

5 Q. And it provides for the sale of your practice back in 1986. And one of the provisions in paragraph one, sub paragraph C, is the seller, that's you, shall transfer to the purchasers all files and medical records relating to current patients, save and except such
10 material as relates to the seller's medical care of a special group of athletes. The files of said athletes will be removed from the premises prior to transfer of the practice. And that's what the agreement was between Mr. -- or the Dr. Wongs as the purchasers and you as the
15 seller, isn't that so?

A. That's right.

Q. And therefore in accordance with this agreement you must have removed the medical records of this core group of athletes from the practice in June or
20 July of 1986?

A. What records were there after the incident were removed by the two physicians from the College of Surgeons -- College of Physicians and Surgeons. And whether they returned them to the Mr. Wongs or whether
25 they have them still, I don't know.

Q. Well, leaving aside whatever the College of Physicians and Surgeons may or may not have done, the express agreement between you and Dr. Wong and Dr. Wong was that you would keep those files and charts and remove them from the premises. You were in effect carving out from the deal the core group of athletes; isn't that so?

A. Yes, that's so in -- according to the paper, but I explained to you previously that I don't remember the name of the two physicians who came to do an audit.

Q. I am sorry?

A. There were two physicians who came to my office to do a audit.

Q. Yes.

A. And most of these charts were parts of the charts which they had requested.

Q. When was the breakin into your office, what date?

A. I think it was April; I am not sure.

Q. April of 1986?

A. I think so.

Q. And that breakin occurred on the night before it was anticipated that the inspectors from the College would arrive. Is that not so?

A. I don't know. I don't know that.

Q. Well, when did the inspectors from the College arrive in relation to when the breakin occurred, approximately? It was shortly after that, was it not?

5 A. A week; I am not sure.

Q. And this agreement is dated June 1986?

A. Uh-huh.

Q. So, when you made the deal with the Wongs in June of 1986, you must have believed that you had
10 on the premises at that time the files in relation to this core group of athletes?

A. No, I didn't believe I had the files on the premises. As I told you on now this is the third
15 time, most of the files were removed by the physicians from the College of Physicians and Surgeons. And I was not here when any files were returned. They have never got back to me except by letter.

Q. All right. So, either the College has them or they disappeared in the disruption in your office
20 in the breakin, or the Wongs have them?

A. Or they are in the office, one of those three. I don't have them.

Q. Well, when I say the Wongs have them in the office, it is one of those three --

25 A. It's one of those three.

Q. And you say inspite of your requests to you to be provided with the medical records of the files of the athletes for whom we have consents, you just no longer have them available; is that it?

5 A. I no longer have them.

MR. ARMSTRONG: All right. Now, Mr. Commissioner, I might be another half an hour, what you is your wish?

10 THE COMMISSIONER: Well, we will adjourn until tomorrow morning at 10 o'clock. I have an appointment I must keep downtown.

MR. ARMSTRONG: I am sorry, I delayed things a bit this afternoon and I apologize.

15 THE COMMISSIONER: Tomorrow at 10.

20 --- Whereupon the proceedings adjourned until May 26, 1989 at 10:00 a.m.

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